

**FORT MYERS BEACH
TOWN COUNCIL**

Town Hall- Council Chambers
2523 Estero Boulevard
Fort Myers Beach, Fl 33931
December 4, 2006

AGENDA

Regular Town Council Meeting

6:30 PM

I. CALL TO ORDER

Members Present: Mayor Dennis Boback, Vice Mayor Don Massucco, Councilman Garr Reynolds, Councilman Charles Meador, Jr., Councilman Bill Shenko, Jr.

Absent: None

Town Staff Present: Town Attorney Anne Dalton, Town Manager Rachel Lambert, Community Development Director Jerry Murphy, Public Works Director Jack Green, Finance Director Evelyn Wicks, Mound House, Newton House Director Ms. Schober.

II. PLEDGE OF ALLEGIANCE:

All present stood for the recitation of the Pledge of Allegiance.

III. INVOCATION: Invocation is given by Mayor Boback.

IV. PUBLIC COMMENT: Please note that public comment will be heard at the time the agenda item is discussed.

V. PROCLAMATIONS, RECOGNITIONS AND SPECIAL PRESENTATIONS:

A. None

Mayor Boback moved item **A. Selection of Town Manager** from the Councilmembers Items and Reports to be heard at this time, in order to accommodate Mr. Colin Baenziger, who was present to facilitate this item.

A. Selection of Town Manager

Mr. Baenziger announced there are four final candidates with Mr. Bartolotta withdrawing. Mr. Cottrell with three votes; by Vice Mayor Massucco, Councilman Shenko, and Councilman Meador. Mr. Parker with one vote; by Mayor Boback; Mr. Ankaitis with one vote; by Councilman Reynolds.

MOTION: Councilman Shenko made a motion to make the offer of employment of Town Manager to Steven Cottrell. Vice Mayor Massucco 2nd the motion.

Mayor Boback opens public comment.

- No public comment was given.

Mayor Boback closes public comment:

Discussion:

Discussion ensued with regard to the various qualifications, and the councilmembers' opinions as a result of the interview process.

VOTE: The motion passes 5-0 for Mr. Cottrell.

MOTION: Vice Mayor Massucco made a motion to select Mr. Gary Parker as the alternate candidate. Councilman Meador 2nd the motion.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

Discussion: No Discussion was given

VOTE: The motion passes 5-0 for Mr. Parker as a second choice.

Town Attorney Anne Dalton was instructed to contact Mr. Cottrell and begin negotiations along with Mayor Boback.

CONSENT AGENDA

A. Approval of Minutes: November 6, 2006;

Vice Mayor Massucco pulled November 6, 2006.

Page 6-25. Vice Mayor Massucco suggested looking at the other side of the coin; Referring to the bank in Ft. Myers Beach.

Page 8-25. Councilman Meador the base food should be base flood. Councilman Shenko; page 23-25; amended motion should state Councilman Shenko made the final amendment.

MOTION: Councilman Shenko to approve the minutes of November 6, 2006 with corrections indicated. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 5-0.

B. Mound House Operational Policy

Mayor Boback would like to remove "designee" and have only the Town Manager sign off on events at the Mound House.

Councilman Shenko suggested leaving in the designee clause as he feels that the Manager should be the one to designate the operations.

Councilman Reynolds referred to item number 17, the consumption of alcoholic beverages on premises are not permitted. Ms. Schober responded this would be an added condition if it was a non Mound House, or non Town sponsored event.

MOTION: Councilman Meador made a motion to accept the agreement as presented. Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 5-0.

C. Special Events Permit Application-Chamber of Commerce Holiday Boat Parade

MOTION: Councilman Shenko made a motion to approve the Special Events Permit Application as submitted with the exception that the noise ordinance 94-06 must be abided by. Councilman Reynolds 2nd the motion.

VOTE: The motion passes 5-0.

E. Special Events Permit and Funding Application-Civic Association Town Birthday Party

MOTION: Councilman Shenko made a motion to approve the Special Events Permit as requested. Councilman Reynolds 2nd the motion.

Discussion:

Discussion ensued on having Special Events Permit matters come forth to Council so they can be informed of the events taking place in Town.

VOTE: The motion passes 5-0.

- A. Approval of Minutes: November 13, 2006; November 20, 2006
- D. Appointment to the Marine Resources Task Force

MOTION: Councilman Shenko made a motion to approve the November 12th and November 20th minutes, and Appointment to the Marine Resources Task Force. Councilman Meador 2nd the motion.

VOTE: The motion passes 5-0.

INTRODUCTION OF THE FOLLOWING ORDINANCE:

A. Ordinance 06-23, Establishing Town Departments

MOTION: Councilman Shenko made a motion to approve the introduction of the Ordinance. Vice Mayor Massucco 2nd the motion.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

VOTE: The motion passes 5-0.

Public Hearing of Ordinance 06-23 will be at the next meeting on December 11th at 4:00 PM.

READING AND PUBLIC HEARING OF THE FOLLOWING ORDINANCES:

A. Public Hearing of Ordinance 06-19, Amending Charter- Elections

Ms. Mayher reported contacting Ms. Harrington's office and she reported that it would cost about \$5.00 per registered voter for a stand alone election.

MOTION: Councilman Reynolds made a motion to reject Ordinance 06- 19 as written, and take the items as four different issues. Councilman Shenko 2nd the motion.

Discussion:

Councilman Meador pointed out that the issue was not how the council felt about the different issues, but that it was to put these issues before the electors, and urged Council not to support this motion.

VOTE: The motion passes 4-1; with Councilman Meador dissenting.

Councilman Meador pointed out that by voting down to Ordinance 06-19, they need to have a new Ordinance written, and a new Ordinance must have an introduction, which will involve another hearing. Councilman Meador expressed that they have defeated submitting any potential Charter changes to their voters this term.

B. Public Hearing Ordinance 06-22, Amending Ordinance 06-01, Anchorage Advisory Committee

Ms. Dalton read Ordinance 06-22, Amending Ordinance 06-01, Anchorage Advisory Committee.

MOTION: Councilman Meador made a motion to adopt Ordinance 06-22. Councilman Reynolds 2nd the motion.

Mayor Boback opens public comment:

- Mike Ratliff, Chairman of the Anchorage Advisory Committee expressed that they were all in agreement to adopt Ordinance 06-22.

Mayor Boback closes public comment:

VOTE: The motion passes 5-0.

MOTION: Councilman Meador moved to reopen public hearing on ordinance 06-19 in order to have public comment. Vice Mayor Massucco seconded.

VOTE: Passed, 5-0.

Mayor Boback opens public comment:

- Tom Babcock pointed out that Council has given away the opportunity of having plurality on the 2007 ballot.

Mayor Boback closes public comment.

MOTION: Councilman Reynolds moved to reject Ordinance 06-19; Seconded by Councilman Shenko.

VOTE: Passes 3-2, with Massucco and Meador dissenting.

RESOLUTIONS

A. Resolution 06-27-Financing Related to the Water Utility Operated by the Fort Myers Beach Public Works Services, Inc.

Ms. Dalton read Resolution 06-27, Financing Related to the Water Utility.

MOTION: Councilman Meador made a motion to approve Resolution 06-27 as submitted. Vice Mayor Massucco 2nd the motion.

Mayor Boback opens public comment:

- Pat Smith expressed her desire to put a reasonable amount, and a time limit on the financing.

Mayor Boback closes public comment:

Ms. Dalton pointed out in order to add an amount or a time limit, they would have to amend Ordinance 06-20, as it contains the same language, and would then need to bring forward another ordinance with an introduction and public hearing. Councilman Reynolds agrees that they need to have a limitation in the term, and an amount.

Mr. Sallee pointed out that any financing done with the Water Utility will be long-term, about 20 years.

VOTE: The motion passes 4-1; with Councilman Reynolds dissenting.

MAYOR AND COUNCIL MEMBER ITEMS AND REPORTS:

Vice Mayor Massucco requested a future agenda item to discuss a possible town donation to Playworks. Vice Mayor Massucco also brought up Spirit of Christmas for the needy families and provided the number 463-2717 Ms. Jamison, to call for more information.

Councilman Meador is leaving the meeting due to his illness. 8:25 PM.

Mayor Boback referred to a workshop on Saturday December 16th and asked to move it up on a weekday. Mr. Sallee suggested Wednesday 13th at 5:00 PM.

TOWN ATTORNEY'S REPORT:

A. None

TOWN MANAGER'S REPORT:

A. Citizens Support Organization Agreement

Ms. Schober reported the agreement was sent to Florida Communities Trust and noted the additions made to the agreement.

Mayor Boback opens public comment:

- Lee Melsek resident asked Council to consider who will be in control of the money, the Town or the private foundations they may not know who they are.
- Ceel Spuhler member of CELCAB pointed out that this agreement would be something to help the Mound House.
- Sandi Suter member of CELCAB; asked Council members to table this matter.

Mayor Boback closes public comment:

MOTION: Councilman Reynolds made a motion to postpone this to another time without taking action at this time. Councilman Shenko 2nd the motion for the purpose of discussion.

AMENDED MOTION: Councilman Reynolds amended his motion to include this postponement to a later date. Councilman Shenko amended his 2nd.

Councilman Shenko would like to see the agreement state that the funds be held in an institution in Fort Myers Beach, and that the fund records be available to the Town upon a request to the financial institution.

VOTE: The motion passes 4-0.

Mr. Sallee suggested putting it on the agenda on December 18, 2006.

B. Mound House Architectural Services Contract-House Restoration

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to approve the architectural services contract. Councilman Reynolds 2nd the motion.

Discussion:

Councilmembers spoke in favor of going forward with this already budgeted item.

VOTE: The motion passes 4-0.

C. Mound House Shell Mound Exhibit Phase II

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

MOTION: Councilman Shenko made a motion to approve, Vice Mayor Massucco 2nd the motion.

VOTE: The motion passes 4-0.

D. Champion Pool Contract

Mr. Sallee requested for the renewal of the annual contract for the community pool by Champion Corporation.

Mayor Boback opens public comment:

- Pat Smith questioned what kind of revenue was being produced.
- Sandi Suter pointed out that they do not keep any records as to the people who use the pool.

Mayor Boback closes public comment:

MOTION: Councilman Reynolds made a motion to accept this service provider agreement with Champion Corporation until the fiscal year of 2007. Vice Mayor Massucco 2nd the motion.

Discussion:

Vice Mayor Massucco questioned whose responsibility it is for capital improvements, and Mr. Green responded that the Town and Champion Corp. Councilman Reynolds inquired as to revenue collection, and Cathie Lewis responded that all revenues collected would be retained by Champion. Ms. Lewis reports that she provides the oversight making sure the process with staff is maintained.

VOTE: The motion passes 4-0.

FINAL PUBLIC COMMENT: Public comment at this time is heard on any item and/or issue of concern.

Mayor Boback opens public comment:

- No public comment was given.

Mayor Boback closes public comment:

ADJOURNMENT:

MOTION: Councilman Shenko made motion to adjourn. Councilman Reynolds 2nd the motion.

VOTE: The motion passes 4-0.

Mayor Boback adjourned the meeting at 9:17 PM

NEXT MEETING: December 11, 2006 4:00 PM.

NOTE: This meeting is televised live on Comcast channel 11.

If a person decides to appeal a decision made by the Council in any matter considered at this meeting/hearing, such people may need to ensure that a verbatim record of the proceeding is made, to include the testimony and evidence upon which any such appeal is to be based. Please note: Agendas will be available on the Friday prior to this meeting at www.fmbeach.org.

Respectfully submitted,
Debbie Cardoso

Town Clerk

Date Approved