



MINUTES

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

January 5, 2009

9:00 AM

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 9:02 AM. In attendance 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. INVOCATION

No clergy was present to offer an invocation.

III. PLEDGE OF ALLEGIANCE

All stood and recited the pledge to the flag.

IV. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Council recognized the Town staff for all the hard work over the holidays.

V. PUBLIC COMMENT

Opened Public Comment

None

Closed Public Comment

VI. CONSENT AGENDA *5 minutes*

A. Contract Extension, Spikowski Planning Associates

MOTION: Councilmember List moved to approve the contract extension with Spikowski Planning Associates. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

VII. ADMINISTRATIVE AGENDA

A. Approval of the Town's 50% share of the Survey and Mapping of Estero Blvd. Task Authorization *15 minutes*

MOTION: Councilmember Babcock moved to authorize the Town to pay 50% of the estimated cost of \$895,000.00 for the next planning phase of the rehabilitation effort for Estero Blvd. to be paid with town gas tax set-aside funds. Councilmember List seconded the motion.

VOTE: Motion passed 5-0.

Opened Public Comment

Public Comment was heard

- Pat McKeown, president of the Pelican Watch Condominium Association applauded the action of the Council for allowing the rescindment of previously signed easements, and encouraged the Council to stand firm when meeting with the County.
- Kathy Parker, president of the Dolphin Watch Condominium Association, stated that they are vehemently against sand dunes, and has sent a certified letter requesting a rescindment.
- Ceel Spuhler expressed her appreciation for all of the hard work the Council has done as it relates to the beach nourishment project.

Closed Public Comment

B. Topics for Joint FMB/Lee BOCC Meeting

1. Beach Nourishment

The Town Council began by outlining the approach that would be taken for the joint meeting, starting with showing appreciation and recognizing all in the beginning, and focusing on the main topics of who has the responsibility for the cost for management of the beach, it should be clear the Town does not, and let the BOCC know that the Town has signed up to bring in new technology. With regard to easements, allowing previously signed easements to be rescinded is the right thing to do, but that the Town will work together with the County to get signed easements. Further discussion included the survey of the ECL and its importance to property owners as well as its effect on the renourishment project. Council indicated that they want to use the spoils from the Matanzas Pass dredging project, and want that in the interlocal agreement.

Mayor Kiker pointed out that the Council's role is to set policy and represent the Town, and let the BOCC know that the Town is looking for the County to give direction to their staff to work with Town staff on the details of the project.

Recess: 10:25 AM

Reconvene 10:40 AM

2. Estero Boulevard

Opened Public Comment

None

Closed Public Comment

Councilmember List began by stating that she will request that the BOCC sign the two Interlocal agreements. Ms. List also referenced a memo from the Town Attorney suggesting that Council add language to the settlement agreement.

MOTION: Councilmember List moved to add the language, “mutually agreed upon expenditures” to the settlement agreement on page one, paragraph one the fourth line from the bottom that currently reads: “...From that balance an additional \$518,040.00 will be retained by County for Phase II of the Estero Boulevard Project.” to read, “From that balance an additional \$518,040.00 will be retained by County for mutually agreed upon expenditures for Phase II of the Estero Boulevard Project.” Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

3. Gas Tax Interlocal Agreement

MOTION: Councilmember List moved to approve the Interlocal Agreement for gas tax distribution. Councilmember Babcock seconded the motion.

VOTE: Motion passed 5-0.

Councilmember List indicated that her intention was to ask the BOCC to direct County staff to work with Town staff and put into their budget up to 1.5 million dollars each year for specific projects which the Town will present to the BOCC for their consideration.

Town Manager Scott Janke indicated that by the end of March, Town staff will be ready to formalize projects for the BOCC to consider. Mr. Janke further indicated that at the joint meeting, he would keep a list of action items.

Councilmember Raymond spoke to the future needs of Estero Boulevard, the need for a commitment and inclusion in the BOCC CIP in coming years and to address the present and future traffic impact on and off of Estero Island. Councilmember Raymond also indicated the need for full and active support through the MPO for bicycle paths and sidewalks.

Discussion ensued as to requesting the County to change their administrative code to include municipalities, that Fort Myers Beach wants to take a leadership role; be a forerunner in developing technology for beach nourishment; be a forerunner in a process for municipalities' to fit in the County CIP.

4. Building Services with Lee County

Opened Public Comment

None

Closed Public Comment

Vice Mayor Acken indicated he intends to ask the County to please take building services and inspections back under the County umbrella, that it would result in a huge cost savings and contribute to more jobs. Vice Mayor Acken would ask the County to direct their staff to work with Town staff for plan review and building inspections.

Continued discussion included that the Town Council has not taken an official position because the dollar amount has not been clearly known; the Town does its own zoning and development review, that the request is just plan review and building services and that County staff have indicated a willingness to work with Town staff if given direction. Consensus of Council was to ask for a fruitful resolution as soon as possible.

VIII. TOWN MANAGER'S ITEMS

Town Manager Scott Janke indicated that he will be in the Communications' Trailer at Santini Plaza on January 28, 2009 from 9:00 AM to 3:00 PM that residents can receive their emergency operations re-entry passes, and that Mr. Janke will be holding open door office hours from 10:00 to 12:00 PM. and any councilmember is welcome to join him.

Mr. Janke reminded all of the upcoming Chamber of Commerce Gala on January 17, 2009; that Council had indicated wanting a Town Hall meeting. Mayor Kiker added that he had spoken with Mr. Al Durrett in Santini Plaza for a Town Hall Meeting, providing a tent and p.a. system, targeting the end of February.

Consensus of Council was to ask Mr. Ken Small, Florida League of Cities to do a presentation to the Council on February 5, 2009 from 9:00 AM to 12:00 PM.

IX. TOWN ATTORNEY'S ITEMS

NO items.

X. COUNCILMEMBERS ITEMS AND REPORTS

Councilmember Raymond spoke to an attempted meeting between the TMA and PSTF, with only 3 members in attendance. The feeling is that until something comes up, those two committees would be put on hiatus. Mr. Raymond's recommendation is to put these committees on hiatus. Council direction was to have this be an item for discussion at the February 2, 2009 Town Council meeting.

Town Clerk Michelle Mayher updated the Council as to two recent requests for appointment to CRAB from Laura Jibben and Karen Swanbeck, that Ms. Swanbeck would resign from Bay Oaks Advisory Committee.

MOTION: Councilmember Babcock moved to appoint to CRAB, Laura Jibben and Karen Swanbeck. Councilmember Raymond seconded the motion.

VOTE: Motion passed 5-0.

The Consensus of Council was to have Councilmember Raymond serve as liaison to CRAB.

Council directed the Clerk to list all the volunteers, who was seeking appointment(s) to which committee(s) and contact information.

Councilmember Babcock offered a status update of the aircraft issues, in a nutshell, the FAA pretty much agreed to what the Town asked for, and directed that item to be on the agenda for the February 17, 2009 Town Council meeting.

Councilmember Babcock requested a discussion of betterments as they relate to beach nourishment at a future meeting. Consensus of Council was to schedule a discussion on beach renourishment for the February 5, 2009 M&P meeting following the presentation by Ken Small.

Councilmember Raymond encouraged council to proceed with budget planning expeditiously.

Town Manager Scott Janke went on record as saying that he needs to have financial tools from the Council as the Town moves forward in the budget cycle.

XII. PUBLIC COMMENT

Opened Public Comment

None

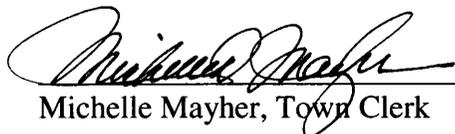
Closed Public Comment

XVI. ADJOURNMENT

Meeting was adjourned at 12.25 P.M.

Adopted 2-2-09 With/Without Changes. Motion by Raymond
(Date)

Vote: 4-0


Michelle Mayher, Town Clerk

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