MINUTES

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

Monday May 2, 2011 **9:00 AM**

I. CALL TO ORDER
Mayor Kiker called the meeting to order at 9a.m. Present with Mayor Kiker Vice Mayor Raymond, Council members Kosinski, List and Mandel, along with Town Manager Stewart, Town Attorney Miller and Town Clerk Mayher.

II. INVOCATION
Don Nicholson – St. Raphaels

III. PLEDGE OF ALLEGIANCE
All stood to recite the Pledge of Allegiance

IV. APPROVAL OF FINAL AGENDA
Approved

V. PUBLIC COMMENT
Public Comment Opened
▪ **Katie Corning, President FMB Library Board** addressed Council by reading a statement on behalf of the Library Board regarding information presented to
Council that the board felt was inaccurate, as well as an invitation to the town to participate in a library Beachwalk Event in the fall which could promote cooperation and good will between the districts.

▪ **Pat Smith** addressed Council wanting to correct some statements made during the workshop of April 4th, regarding the Fort Myers Beach Library District, that the town had over stated its budget on many occasions as well as purchasing the Mound House, the Newton Property, the water utility and still had a large surplus.
Ms. Smith urged the Council as a taxpayer to stop wasting funds.

▪ **Bob Miller** commented that the Town may have overstated its budget in the past and that the recent budgets have been very tight. Mr. Miller expressed his disappointment with what had been going on between the town and library, noting it was the taxpayers who were losing out.

▪ **Sam Lurie** discussed his issues with the library, addressing items such as insurance, advertising and personal services, urging Council to look at the library's budget and again indicating he did not think it was fair to the taxpayers,wanting a referendum by mail with a refund option, and asking for the project to be stopped.

Public Comment Closed

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS

None

VII. ADVISORY COMMITTEES ITEMS AND REPORTS

A. Appointment to Anchorage Advisory Committee

MOTION: Motion by Councilmember Mandel to accept the applicant, Ed Scott with a second by Councilmember Kosinski.

VOTE: Motion passed 5 to 0

B. Appointment (s) to Community Resource Advisory Board

MOTION: Vice Mayor Raymond made a motion to appoint David Anderson with a second by Councilmember Mandel.

VOTE: Motion passed 5 to 0

C. Appointment (s) to Local Planning Agency

MOTION: Motion to appoint Mr. Cameron by Councilmember List with a second by Councilmember Mandel.

VOTE: Motion approved 5 to 0

D. Appointment (s) to Maine Resources Task Force

Town Manager Stewart indicated there was a letter of application by Mr. John Bennett and a late entry by Keri Hendry dated April 27th requesting appointment to the committee as well. Ms. Hendry's resident status came into question since she currently did not reside on the island.

MOTION: Motion to approve Keri Hendry for the Marine Resources Task Force by Councilmember List with a second by Councilmember Kosinski.

VOTE: Motion to approve 5 to 0

Request was made to reach out to the other applicant Mr. John Bennett regarding his availability for future committee appointments.

Town Attorney Miller stated the applicant for CRAB, Mr. Anderson as well as the applicant for MRTF, Keri Hendry were not eligible and there must be a motion to rescind their appointments.

MOTION TO RESCIND: Motion to rescind CRAB appointment by Councilmember List with a second by Vice Mayor Raymond.

VOTE: Motion passed 5 to 0

MOTION TO RESCIND Council members List and Kosinski removed their motions regarding MRTF.

MOTION: Vice Mayor Raymond made a motion to appoint applicant Mr. John Bennett to MRTF with a second by Councilmember Kosinski.

VOTE: Motion passed 5 to 0

VIII. APPROVAL OF MINUTES

A. March 28, 2011 Special Town Council Meeting

MOTION: Motion to approve by Councilmember List with a second by Vice Mayor Raymond

VOTE: Motion passed 5 to 0

IX. CONSENT AGENDA

A. Satisfaction of Mortgage, 251 Pearl Street, Russell and Susan Carter

Public Comment Opened
No Public Comment
Public Comment Closed

MOTION: Motion to approve by Councilmember List with a second by Councilmember Mandel

VOTE: Motion passed 5 to 0

X. ADMINISTRATIVE AGENDA

A. Request from Century Link to install fiber-optic lines on North Estero

Town Manager Stewart indicated that during the construction of North Estero the town encouraged Century Link to do their installation at that time, with their local office requesting the installation at that time, however their corporate office denied the request. Now they have made a request to place the fiber optic cable underground within the North Estero Blvd. project area.

Public Comment Opened
No Public Comment
Public Comment Closed

Ron Pop, project engineer North Estero Project was present to answer any questions for Century Link.

In answer to a question by Councilmember Kosinski, Cathie Lewis, Public Works Director responded that Southwest Utilities asked that no work be started by Century Link until the final acceptance of North Estero, also that Century Link had stated they would warranty their work in the new construction area for a 2 year period. Cathie Lewis stated that Century Link would be responsible for any damage to curbs, gutters and streets as well as any underground damage, they would also be paying for a town inspector to make sure that everything was taken care of properly and continued that they were actually placing the line

so another communication company at 500 Estero Boulevard could have their service.

MOTION: Councilmember Mandel made a motion to approve Century Link's request to install fiber optic cable underground along North Estero Blvd, once Southwest Utility Systems, Inc. had received final acceptance of the North Estero project and the town had received full indemnification for the project. Second by Councilmember Kosinski.

VOTE: Motion passed 5 to 0

B. Discussion on Seafarer's

Mayor Kiker indicated the DEP permitting was successful for the capping of the seawall and the crossover for the handicap ramp, followed by the issuance of the permit from the town. Demolition for the Seafarer's building was scheduled near May 11th, with the county indicating they would put a fence around the property with only one access for foot traffic and an entry way on the backside of the property.

Councilmember List indicated that there were art departments from area schools that would like to provide art work on the temporary panels protecting the public from the demolition.

XI. PUBLIC COMMENT

Public Comment Opened
No Public Comment
Public Comment Closed

XII. TOWN MANAGER'S ITEMS

▪ Mr. Stewart brought forward a request from a local YMCA for a reduced rate from the $2.00 per child to $1.50 per child for use of the town pool during their summer camp for 300 children. This would mean approximately $400 per week toward the town's revenue.

Vice Mayor Raymond felt 300 kids would eat up the 50 cent difference in wear and tear and felt the pool was for the town's people not for the state. Councilmember Mandel questioned as to whether group discounts had been given in the past with Town Manager Stewart stating yes, group discounts had been given.
The Town Council asked the Town Manager to bring this item back after acquiring additional information.

▪ Town Manager Stewart expressed his concerns about a document presented to Council regarding staff's honesty regarding the library issues. Mr. Stewart also thanked Mr. Miller regarding his comments on the town's budget.

XIII. TOWN ATTORNEY'S ITEMS

None

XIV. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Raymond commented on the town's budget for the last 3 years.

Councilmember Mandel commented on the pedestrian signs, with Mr. Stewart

stating the town was on the final stages of data gathering.

Mayor Kiker commented on the meeting with the judge and the success regarding the bond validation hearing.

Town Manager Stewart advised Council on the WCIND's funding workshop that there had been a recommendation for full funding for replacement of the mooring balls in Matanzas Harbor Mooring Field. WCIND also recommended $260,000 for Laguna Shores dredging.

XV. AGENDA MANAGEMENT

M & P Meeting, May 16

- Review of Florida League Municipal Compensation
- Water Utility Rate Review
- 2nd Quarter Budget Review

XVI. RECAP OF ACTION ITEMS

- Notify each new committee appointees and re advertise for the CRAB position
- Notify Carter's of satisfaction of mortgage and file appropriate release of lien
- Work with CenturyLink to define parameters of the site and keep public informed
- Report back to Council regarding WCIND funding

Councilmember List reminded attorney Miller of the letter regarding the planting of trees at the easement next to Newton Park.

XVII. ADJOURNMENT

MOTION: Councilmember List moved to adjourn with a second by Councilmember Mandel.
VOTE: Motion passed 5 to 0

Meeting Adjourned 10:45 a.m.

Adopted 6-6-2011 With/Without changes. Motion by Mandel / Raymond

Vote: 5-0

Michelle D. Mayher, Town Clerk

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