



**FORT MYERS BEACH  
CHARTER REVIEW COMMISSION (CRC)  
MINUTES**

Town Hall – Council Chambers  
2523 Estero Boulevard  
Fort Myers Beach, Florida 33931

**Thursday, October 23, 2014**

**I. CALL TO ORDER**

The meeting was called to order at 9:00 a.m. Chair Babcock. Members present: Tom Babcock, Miffie Greer, Dan Hughes, Jay Light, and Dan Parker.

Town Manger: Don Stilwell

Town Attorney: Derek Rooney

Staff Liaison: Michelle Mayher, Town Clerk

**II. PLEDGE OF ALLEGIANCE**

**III. APPROVAL OF MINUTES of October 9, 2014**

**MOTION:** Ms. Greer moved to approve the minutes; second by Mr. Light.

**VOTE:** Motion passed unanimously.

**IV. PUBLIC COMMENT**

No public comment.

**V. CHATER REVIEW BY ARTICLE**

**Article I: Corporate Name; Purpose of the Charter**

No change.

**Article II: Territorial Boundaries**

Mr. Hughes indicated the language in the corporate limit was misleading and could be eliminated. Town Attorney Rooney stated that municipal boundaries were covered by Chapter 171, and a certain

number of changes could be made administratively. <sup>redundant</sup> Town Attorney Rooney stated that he would confirm that the language was not mirrored. Chair Babcock suggested cataloging clerical changes. Town Attorney Rooney suggested using strike-throughs and underlines of changes and denote whether changes were clerical or substantive and review a summary of changes at the end. Chair Babcock noted that potential clerical changes should be agreed upon.

Mr. Hughes provided the following change to Section 2.01:

All that part of Lee County situated within Estero Island and the area within 1,000 feet in the Gulf of Mexico and 1,000 feet in the inland bays, and parallel with the shore line of said Estero Island, excluding all of San Carlos Island, Black Island and structures exclusively attached thereto.

Consensus was reached to include the change and Mr. Hughes agreed to record the new language.

### **Article III: General Powers of the Municipality**

No change.

### **Article IV: Charter Officers**

Hank Zuba reviewed the history of Section 4.02. He felt the Mayor should be elected every year and he felt terms (5.03) for elected and appointed committee members should be limited to two. Mr. Zuba expressed concerns regarding (11.03) the three year borrowing limit and the requirement of going through a referendum for authorization. Discussion was held regarding election of the Mayor and remaining a council-manager form of government.

Mr. Light suggested starting at the beginning of Section 4 and he stated he was in favor of what the last Charter Review Committee recommended.

Discussion was held concerning changes to (a), (b), and (c) in Section 4.01, and the role and title of the Mayor. Mr. Light discussed the concept of rotating council members for the positions of Mayor and Vice Mayor. Town Clerk Mayher reminded members that council terms were staggered. Discussion of rotation ensued. Consensus was reached to continue to appoint the Mayor. Ms. Greer, Mr. Parker, Chair Babcock, and Mr. Hughes did not agree with the concept of rotation.

Chair Babcock felt that terms of office should be four years, which would save the Town money and would allow a two year span without disruption. Consensus was reached to appoint a Mayor on an annual basis and it was assumed that elections would continue in March. Discussion was held concerning minimum residency and registered voter requirements. Consensus was reached to change (c) under Section 4.01 to read:

The candidate for council shall be a resident of the town and a registered voter for a minimum of two years prior to qualifying for election.

Consensus was reached to change the language of the first sentence in Sections 4.02 and 4.03 to read:

At the first meeting after the second Tuesday in March, the council, by majority vote, shall elect from its membership a mayor (4.03 vice mayor).

Mr. Light proposed a new (b) under Section 4.04 from the Lee County Charter:

Violations of this section of the charter shall constitute malfeasance within the meaning of section 100.361 of the Florida Statute.

Chair Babcock questioned whether the change should be under Section 4.07 Forfeiture of office. Mr. Light noted that it was in Section 4.07 under (b), but he felt the language was not strong enough. Consensus was reached to draft a new (b) under section 4.04 with language from the Lee County Charter and the current (b) would become (c). Town Attorney Rooney stated that he would provide the language for the change.

Discussion was held concerning (a) under Section 4.05 Compensation. Consensus was reached to leave (a) and (b) as is.

Section 4.06 Vacancies - no change.

Section 4.07 Forfeiture of office - Consensus was reached to add "excused absences by council" to (d).

Section 4.08 Filling of vacancies - Consensus was reached to change the following sentence:

The vice mayor of the council shall temporarily relinquish his office as council member and shall assume the office of mayor the for remainder of the unexpired term.

Consensus was reached to include a provision in the charter regarding pronouns.

Section 4.09 Judge of qualifications - no change.

Section 4.10 Independent financial audit - no change.

Section 4.11 Meetings - Town Clerk Mayher requested clarification regarding notice for meetings. Town Attorney Rooney stated that he would change the language.

Section 4.12 Rules and journal - Discussion was held regarding a code of ethics provision. Consensus was reached to delete the word "journal." *and make reference to the Policies and Procedures Manual.*

Section 4.13 Voting; quorum - Discussion was held concerning quorum versus majority. Town Attorney Rooney stated that he would review the policies and procedures in relation to changes.

#### **Article V: Nominations and Elections; Terms of Office**

Section 5.01 Elections - Town Clerk Mayher suggested establishing a canvassing board. Town Attorney Rooney stated that he would research the issue. Consensus was reached to leave contribution limits out of the charter.

Section 5.02 Commencement of Term - no change.

Section 5.03 Terms of office - Chair Babcock stated that he was a proponent of four-year terms. Mr. Light felt that four years was too long. Pros and cons of a longer term and term limits were discussed. Consensus was reached to make the following change:

The terms for all council seats, #1, #2, #3, #4, and #5, shall be for <sup>4</sup> years. No member of the council shall serve for more than two consecutive full terms. After one year out of office, a candidate may re-qualify for any vacant seat. (Exact language not provided.)

Section 5.06 Nonpartisan elections - no change.

Section 5.07 Multiple candidates - no change.

Section 5.08 Recall - no change.

**VI. MEMBER'S ITEMS**

No items.

**VII. SET NEXT AGENDA - November 13, 2014 at 9:00 a.m.**

Review Articles VI through XI and start with XI. Add Public Comment.

**VIII. ADJOURNMENT**

**MOTION:** Ms. Greer moved to adjourn the meeting; second by Mr. Light.

Chair Babcock adjourned the meeting at 12:22 p.m.

Adopted 11-12-14 With/Without changes. Motion by Hughes/Greer  
4 pg 2, 3 & 4.  
Vote: 5-0

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