MINUTES

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

MANAGEMENT & PLANNING WORKSESSION

Tuesday, January 18, 2011 9:00 AM

I. CALL TO ORDER

Mayor Kiker called the Management Planning Worksession to order at 9:07 a.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members List, Mandel and Babcock, Town Manager Stewart, Town Attorney Humphrey and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

All stood for Pledge of Allegiance

III. REVIEW LEGAL EXPENSES

Town Manager Stewart reviewed the information presented to Council regarding past and present legal expenses.

Attorney Humphrey addressed the fees to date indicating the town had been charged a retainer of $8,200 a month, $225 per hour for 40 hours per month. It was noted that in July 75 hours were utilized with 45 hours showing for the month of August. An average 56.8 hours had been utilized per month July through December. Mr. Humphrey felt in the future they may discuss the billing of major projects separately from the month retainer fee and continued by asking Council for an increase in the month retainer fee to $9,200 a month.

Mayor Kiker asked Mr. Humphrey if there were ways to become more efficient in utilizing legal.

Mr. Humphrey felt there might be work session meetings where legal would not be needed and in some other meetings a written opinion might be adequate as opposed to the need for attendance.

Mayor Kiker also questioned the need to start looking at future issues now.

Attorney Humphrey indicated that his firm was monitoring the State Legislature for instance concerning public meetings and pension plans that could possibly affect the town, stating that the firm would continue to be proactive.

Councilmember Babcock spoke regarding less meeting hours billed, indicating Council needed to continue to work to become more efficient to reduce costs.

IV. DISCUSSION WITH TOWN ATTORNEY ON F.S. CH 189 REGARDING THE LIBRARY EXPANSION

Attorney Humphrey began by reviewing Chapter 189 and the responsibility of Town Council as it pertains to the library district.

Mr. Humphrey stated the special district was required to submit an annual report to the local government, and suggested he start a dialogue with the library or their attorney to start a better coordination of required information to the town.

Vice Mayor Raymond asked what could be accomplished by a meeting and if Council would have any power over the issue. Mr. Humphrey responded it was a way for Council to voice their concerns over any issues the town might have with the plans, such as the ability to fund the expansion over the next 5 years.

Councilmember Babcock prefers that all 5 special districts be treated the same, not singling out the library, stating he felt the oversight of Chapter 189 should be with the county not the town.

Councilmember List felt the issue was not the appropriateness of the facility but the need for better reporting among all the districts and the responsibilities of all districts and did not feel the expansion specifics was relevant to the discussion.

Councilmember Mandel discussed the issue of last minute awareness on issues at hand addressed the issue of taxing rates from the different districts, and whether the library had to make a future plan as to where they were going with taxes.

Discussion continued regarding the oversight review process with the county.

Town Manager Stewart felt the point being made was no one could say that the town did not know that the project was out there, that another issue was private citizens with concerns, with a right to come to Town Council to request an oversight review by the county.

Mayor Kiker stated Council should discuss how to go forward now that they have the new information regarding Chapter 189, as well as providing Council Chambers for the use of other district meetings. Getting all the districts together to come up with a procedure for all to follow.

Councilmember List suggested voting on the request for the public facilities

report as well as the recommendation of Attorney Humphrey to authorize him to present the memorandum to the Library District Board and then request a joint session between Town Council and the District Board to discuss the scope of the proposed project, its financing, operations, and maintenance, with the Mayor and Town Manager accompanying the attorney to the meeting.

Mayor Kiker requested the town attorney contact the library's attorney today to obtain pertinent information. Councilmember Babcock felt it needed to be voted on before a call was made, noting that Council would need to give direction after a vote.

It was also suggested by Mayor Kiker that a blanket letter be sent out to all special taxing districts separate from the library issue.

Councilmember Babcock reviewed what he thought would be the motions. Motion #1 would be to request a facilities report from all special taxing districts. Motion #2 would be a focus of the library, but really should be all of the districts to reach out and improve the communication lines, with the library being time sensitive.

Councilmember Mandel indicated it needed to be the town requesting the meeting, displaying the town's responsibility.

Recess: 11:00 AM Reconvene: 11:25 AM

V. REVIEW DISCUSSION ITEMS FOR JOINT BOCC MEETING

(Community Develop Director Fluegel and Public Works Director Cathie Lewis have joined the meeting)

Council began discussion on short term/long term projects regarding Estero Boulevard and how best to present the town's vision during the joint meeting.

Responding to a question from Council, Town Clerk Michelle Mayher indicated she had forwarded the list of items Council chose to address during the joint meeting with the BOCC and the BOCC stated there were no additional items they wanted to add.

Councilmember Babcock reviewed his presentation regarding Estero Boulevard, suggesting the green sheet should address the objectives, the inclusion of Cathie Lewis's memo as well as the preliminary project schedule estimate. Councilmember Babcock stated the need for the cost and funding information and cost per mile, using the complete street approach explaining possible complications that were not experienced on North Estero.

Cathie Lewis suggested a shift in attention to the portion of Estero Boulevard affected by the county's purchase of the Seafarer's property which could result in trolley drop offs, bike lanes and possibly a pedestrian walkover.

Mayor Kiker indicated Council needed to let BOCC know their time line was unacceptable. Town Manager Stewart stressed the need to have the BOCC to reprioritize their projects, moving Estero Boulevard up the list.

Vice Mayor Raymond began his review for his presentation listing responsibility, trolley lanes, park and ride, Fort Myers Beach should be in the lead, San Carlos Island, revenue from visitors, advertising dollars with no mention of Fort Myers Beach, only the beaches of Fort Myers and Sanibel. Discussion ensued regarding the high points Vice Mayor Raymond should hit along with the tone of his statements.

Town Manager Stewart reviewed the decision to define 3 to 4 main points to focus on, asking Council if they would like the motion put on the blue sheets along with recommendations.

Councilmember Mandel reviewed his presentations regarding county expenses and the potential savings if the county would seed their properties to the town, with an agreement to complete the park, demolish Seafarer's and put in a parking lot as well as including Estero Boulevard in the properties turned over to the town. Councilmember Mandel continued to provide Council with his research on TDC funds, the tourist attractions the town provides, infrastructures and the services provided for all our visitors.

ADJOURNMENT

Meeting Adjourned at 1:25 p.m.

Adopted 2/22/11 With/Without changes. Motion by List / Raymond

Vote: 5-0

Michelle D. Mayher, Town Clerk

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