



# MINUTES

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

**Monday, May 16, 2011**

**6:30 PM**

**I. CALL TO ORDER**

Mayor Kiker called the meeting to order at 6:30 p.m. Present with Mayor Kiker was Vice Mayor Raymond, Council members Kosinski, List and Mandel along with Town Manager Stewart, Town Attorney Humphrey and Town Clerk Michelle Mayher.

**II. INVOCATION**

Reverend Jeanne Davis from Beach United Methodist Church.

**III. PLEDGE OF ALLEGIANCE**

Fort Myers Beach Elementary School students, Ben Faircloth and Lexi Gore, led all in attendance in the Pledge of Allegiance.

**IV. YOUTH COUNCIL**

Fort Myers Beach Elementary School student, Ben Faricloth, thanked everyone who participated in the PTO Silent Auction that took place May 5. Over \$6,500 was raised.

Lexi Gore voiced her appreciation for the more than \$12,500 raised at the Annual Beach Elementary School Golf Tournament which was held on May 7.

**V. APPROVAL OF FINAL AGENDA**

Mayor Kiker requested item #6, which is a Proclamation to the Consent Agenda and move discussion regarding the name of the Beach Park to #8. Council consented to the change.

**VI. PROCLAMATION**

## **VII. PUBLIC COMMENT**

### **Public Comment Opened**

- **Larry Yax**, addressed Beach Renourishment and asked for approval to put up a rope on his property.

## **VIII. LOCAL ACHIEVEMENTS AND RECOGNITIONS**

Councilmember List noted that the Taste of the Beach had taken place the previous day and that she and Vice Mayor participated as food judges. She added that Town Manager Stewart performed over the weekend in Cape Coral and by all accounts was a very successful night.

Vice Mayor Raymond also commented on the Taste of the Beach; that it was a nice occasion, with many people attending and extremely well run.

Councilmember Kosinski agreed that the Taste of the Beach was a big success.

Mayor Kiker mentioned that he got to participate in the silent auction. He was on a team with Larry Wood and Andrew Cochran; they lost but had a good time.

Town Manager Stewart discussed the Florida League of Cities Municipal Achievement Awards. He requested permission to submit an application for the Environmental Stewardship Award.

**MOTION:** Motion to approve submittal of application for Environmental Stewardship Award by Councilmember Mandel with a second by Councilmember List.

**VOTE:** Motion passed 5-0.

Mayor Kiker mentioned that there is Florida Citizenship Award. Town Manager Stewart noted that Town of Fort Myers Beach as represented by Councilmember List and Fort Myers Beach Elementary School would require a vote by the council for the award application to be submitted. The application must be submitted by May 23<sup>rd</sup>.

Principal Larry Wood addressed the Council; stating his support of Councilmember Jo List.

**MOTION:** Motion to proceed with submission for Jo List for the Florida Citizenship Award by Councilmember Kosinski with a second by Mayor Kiker.

Town Manager Stewart clarified that the award was to the town and that the recognition also goes to the individual who is involved in that program.

**VOTE:** Motion passed unanimously (5-0)

Mayor Kiker discussed the naming of the new Beach/County Park. The Council is to pick the top three names and deliver them to the County and the BOCC where the final decision will be made.

Mayor Kiker read off the list of names:

- Crescent Beach Park
- Shell Arches Park
- Paradise Park
- Mulholland Park
- Seafarers Family Park
- Booch Park
- Pierside Park
- Sandalfoot Park

#### **Public Comment Opened**

▪ **Rick Sebastian** stated that he submitted the idea for Shell Arches Park. He provided aerial photos to the council and spoke about history of the Arches.

▪ **Betty Simpson**, enthused about the Park's progress and requested that the park be named Crescent Beach Park.

#### **Public Comment Closed**

Vice Mayor Raymond stated that the Committee went through all the names they had, voted and that Shell Arches Beach and Crescent Beach were basically tied.

Town Manager Stewart noted that he received an email with a recommendation that it be called Veterans Park.

Councilmember List commented she likes the idea of a version of the Arches to be considered as a structure in the park.

Vice Mayor Raymond stated he would like to recommend to the county that an arch be included in the park; he commented that he liked the name Seafarer Family Park.

Mayor Kiker that regarding the name Crescent Beach Park there was a Crescent Beach on the other coast and there might be some confusion with the names. Mayor Kiker stated that he like the idea of Shell Arches Park and he would be in favor of it.

Councilmember Mandel asked if a final decision was being made tonight.

Mayor Kiker responded that originally the BOCC was meeting in the morning, but because two of the commissioners, Mr. Judah and Miss Hall were not going to

be in attendance and that they will be meeting the following Tuesday. The Town Council would not be meeting before then.

Vice Mayor Raymond mentioned that another name had been submitted, Charley Park.

Councilmember Mandel said that Shell ties in the Arches, Mound House and Island.

Vice Mayor Raymond asked that they consider adding the words, Family Park, to whatever name is chosen.

Mayor Kiker stated that the first thing they needed to vote on was adding Family Park, the second was to rank the choices in first, second and third order of preference.

By written ballot, the Council voted 3-2 to add the word "Family" to the proposed park name. Town Clerk Mayher tallied the written ballots and announced the top three in the vote for the name were 1) Shell Arches, 2) Crescent and 3) Seafarers. *Family Park* will be added to all of them.

Town Manager Stewart pointed out that the County staff already met on this and a name had already been decided upon. He asked Mayor Kiker if he was going to submit a rank of three names or did he only want to submit one.

Mayor Kiker replied that the Vice Mayor would explain the first process that only one name was discussed. But a promise had already been made by Mr. Judah that the town would be able to submit their choice.

Town Attorney Humphrey asked for clarification that it would only be the top three names; not the whole list.

## **XI. ADVISORY COMMITTEES ITEMS AND REPORTS**

None

## **X. APPROVAL OF MINUTES**

- A. April 4, 2011 Town Council Meeting
- B. April 18, 2011 Town Council Meeting

Councilmember List asked if she was eligible to vote on the April 4, 2011 approval as she wasn't at the meeting. Town Attorney Humphrey replied that she was allowed to vote, but advised not to make a motion.

**MOTION:** Motion to approve minutes by Vice Mayor Raymond with a second by Councilmember Kosinski.

**VOTE:** Motion passed 5-0.

**XI. CONSENT AGENDA**

- A. Advertising in Conference Issue of Quality Cities
- B. Neurofibromatosis Awareness Month

**MOTION:** Move to approve by Councilmember List with a second by Councilmember Kosinski.

**VOTE:** Motion passed 5-0.

**XII. ADMINISTRATIVE AGENDA**

- A. YMCA Request for Reduced Fees at BORC Pool

Town Manager Stewart commented that he had been asked to bring this issue back with more information. A memorandum was prepared. He stated that there would be approximately \$450.00 in fees a week over a ten week period, which would amount to \$4,500.00, if it's dropped down from the current \$2.00 to \$1.50. The total amount collected from all the camps last year was \$6,300.00. Mr. Stewart noted that one of the benefits of lowering the fees would be that any additional needs for lifeguards, etc., would be offset by the amount of dollars being collected.

Mayor Kiker asked if it was the staffs recommendation to approve.

Town Manager Stewart said it was.

**Public Comment Opened**  
**No Public Comment**  
**Public Comment Closed**

Vice Mayor Raymond stated that he is not in agreement. His first reason was because the discount was for non-residents. His second was that he couldn't see why twenty-five percent of the cost is being discounted when it's not being done for everyone else. He also noted that, while brining in more people and money might be good, there is the wear and tear of the equipment to think about. He said he didn't like the idea of bringing in people from all over. He felt that the fees should be left as they are and that fifty cents wasn't all that much.

Councilmember Kosinski commented that the kids were coming from all over Lee County through the YMCA; that some of them might have hardships and fifty cents was important to them. He noted that it would mean more exposure for that area and worth the fifty cents. It would also help a lot of kids.

Councilmember Mandel asked if the pool would be closed to others between the hours of 12:30 and 2:30 when the YMCA would be utilizing it.

Town Manager Stewart replied that a request regarding that had not been made and the pool would be open for all.

Councilmember Mandel asked if facility would be at capacity if seventy-five children were using it.

Public Works Director, Cathie Lewis, responded that it would be close to capacity. However, they have never exceeded capacity. Ms. Lewis noted that the more summer camps they have, the easier it is to offset the cost of lifeguards

Councilmember Mandel stated that the as long as they're not a capacity and doesn't prevent island residents from using the facility, to try it this year and evaluate it.

Town Manager Stewart noted that in light of Councilmember Mandel's remarks and the Vice Mayor's concerns, he will report back if there is any kind of a conflict as far as capacity is concerned and use that in making the decision in the future.

Councilmember List agreed that they should make the facilities well-known. She disagreed with the Vice Mayor's issues regarding wear and tear of the equipment. Ms. List noted that she was in favor of the idea.

Discussion ensued with Mayor Kiker addressing Public Works Director Lewis, what percentage of capacity seventy-five children would use; Ms Lewis responded that it would be about forty percent. Mayor Kiker asked if there are similar programs that allow non-residents, to which Ms. Lewis replied that there is an adult basketball team where the majority of members are not island residents. Discussion regarding transportation, other town groups using the pool and any that were discounted and other activities at the pool during the summer.

Vice Mayor Raymond commented that the program was supported by Town of Fort Myer's Beach taxpayers and he couldn't see how a profit was going to be made. He noted that he didn't feel it was right for taxpayers to subsidize someone else. He also wanted to know why three organizations had to pay full price and the YMCA didn't.

Councilmember Mandel suggested that perhaps in order to get a discount, the organization should be non-profit and a certain number of people. He noted that while taxes are paying for Bay Oaks, the program helps the variable cost. Mr. Mandel felt that the group would enhance and offset some of the costs and would benefit the town.

**MOTION:** Councilmember Kosinski made a motion to approve with a second by Councilmember List.

**VOTE:** Motion passed 3-2 with Mayor Kiker and Vice Mayor Raymond dissenting.

**XIII. PUBLIC COMMENT**  
**Public Comment Opened**  
**No Public Comment**  
**Public Comment Closed**

**XIV. TOWN MANAGER'S ITEMS**

Town Manager Stewart had no items other than what was discussed earlier.

**XV. TOWN ATTORNEY'S ITEMS**

Town Attorney Humphrey noted that he was requested to review and submit a legal opinion regarding the Newton property and the twenty foot right of way. The memo has been completed copies have been made. It pertains to a dedicated right of way from the plat of the sub-division known as Hyde Park, created in 1925. There are four named avenues and three twenty foot drives shown on the plat.

Town Manager Stewart summarized by stating that the town acted appropriately and within its rights in developing the right of way as it did.

**XVI. COUNCILMEMBERS ITEMS AND REPORTS**

Vice Mayor Raymond commented that during Taste of the Town, only one of the bathroom facilities was open, instead they had Port-A-Potties outside. He was told that the bathrooms cannot support too much use and break down. The Vice Mayor asked why those bathrooms aren't being fixed.

Town Manager Stewart noted he spoke with Director Lewis and there is a capacity issue with the lift station that services Bay Oaks to remove the sewage. It wasn't engineered to handle large crowds. The Town Manager replied that it would probably need to be upgraded, but isn't sure if a new one would be needed.

Vice Mayor Raymond asked how the RFPs for Newton House were going.

Town Manager Stewart replied that the architect is finishing up the specifications. He noted that the RFPs are being prepared and he hopes to have them within the next forty-five days.

Councilmember Mandel wanted to know the time table for gathering information on pedestrian signs.

Town Manager Stewart responded that he expected it to be completed by the end of this month. He also said that the people who are supportive of it should contact their County Commissioner.



Councilmember Mandel announced that he was asked to be Vice Chairman of the Fire District's Comprehensive Plan Review Committee. Mr. Mandel sought and received a consensus from the Council regarding his acceptance of the offer.

Councilmember Mandel mentioned that at one of their workshops, a list of priorities was supposed to be submitted. The prioritization will be put under Agenda Management.

Mayor Kiker indicated that staff went to WCIND seeking assistance in getting the Big Carlos Pass channel dredged.

## **XVII. AGENDA MANAGEMENT**

Mayor Kiker mentioned that they added the review of priorities to Agenda Management. He also noted that the next meeting they are going to have a work session.

Town Manager Stewart said that there are two meetings next month. The work session will include Town Manager evaluation process and the legislative platform discussion. Mr. Stewart reminded the Council that it would be a good time for them to discuss what they want the legislature to begin doing next year. He noted that it was vitally important to do it early because it's too late if they wait until the session begins.

Town Manager Stewart noted the item that was removed from the May 2<sup>nd</sup> meeting which was the Comp Plan EAR and Concurrency, the state is now enacted its expected rules. They could report to the Mayor on what their recommendations are that they do based upon the state's new legislation and the changes they have made.

Councilmember list asked if the Priorities were added to the next meeting.

Mayor Kiker responded that it hadn't been discussed yet. He asked Councilmember List what she thought about it.

Councilmember List replied that they had discussed it earlier that they were going to formulate a list and thought would be prudent to get working on it if they have time in the next Work Session.

Mayor Kiker said they would try to do that, if not it would fit nicely with M & P. He said he'd like to get it done because in July there no meeting.

## **XVIII. RECAP OF ACTION ITEMS**

- They will send off the Proclamation for Neurofibromatosis Awareness Month group.

- Town Manager Stewart will be contacting Mr. Larry Yax tomorrow to get an understanding of what Mr. Yax would like to accomplish.
- Prepare and submit the applications for the Municipal Achievement Awards; One for the Environmental Stewardship Award and one for Citizenship Award.
- Prepare the advertisement for the upcoming Florida Cities Conference in the Quality Cities Magazine.
- Notify the YMCA of the approval of the discount for their attendees.
- Councilmember List to follow up regarding the Newton Park Adjacent Dedicated Right of Way
- Begin examination of the lift station at Bay Oaks to see if it can be upgraded and report back to the council on the findings.
- Items added to Agenda Management for the upcoming Work Shop meeting.

Mayor Kiker asked about the letter from the Division of Emergency Management to which Town Manager Stewart responded that it was a notification that they passed their evaluation and they were approved by FEMA as far as the flood plain program is concerned.

**XIX. ADJOURNMENT**

**MOTION:** Councilmember List made a motion to adjourn with a second by Councilmember Mandel.

*Meeting Adjourned at 8:00 PM*

Adopted \_\_\_\_\_ With/Without changes. Motion by \_\_\_\_\_

Vote: \_\_\_\_\_

\_\_\_\_\_  
Michelle D. Mayher, Town Clerk

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