MINUTES

FORT MYERS BEACH TOWN COUNCIL
Joint Town Council/Marine Resources Task Force
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

WORKSESSION

January 26, 2011 **9 AM**

I. CALL TO ORDER

Mayor Kiker called the meeting to order at 9:12 a.m. Present with Mayor Kiker, Vice Mayor Raymond, Council members List, and Babcock, Town Manager Stewart, Environmental Services Coordinator Keith Laakkonen and Town Clerk Michelle Mayher. Present for MRTF Al Durrett, Dan Andre, Roger Johnson, and Julie Schwab. Councilmember Mandel was not present for beginning of meeting.

II. PLEDGE OF ALLEGIANCE

All stood to participate in the Pledge of Allegiance

III. PUBLIC COMMENT

Public Comment Opened
No Public Comment
Public Comment Closed

IV. CLARIFICATION ON PARASAIL VENDOR LANGUAGE

Dan Andre indicated MRTF had finished with this topic and had turned it over to the LPA. Keith Laakkonen reviewed the issue stating it began with the owners of Paradise Parasail who had an agreement with the County and were losing their location, which caused them to seek a move to another site. The issue had come before Council who directed staff to review the language of the personal watercraft language. Mr. Laakkonen stated the word 'grandfathered' was removed changing to non-conforming. Councilmember Babcock questioned the previous issue of space between vendors and how it was measured, finding that it would be dealt with during the LPA and legal review.

V. ADOPT-A-BEACH PROGRAM

Dan Andre indicated this followed a topic MRTF had been working on for over a year, which was the beach raking ordinance.

Mr. Andre stated one of MRTF's focuses was educational outreach and for adopt-a-beach it was to look at those wanting to take a section of beach to look after as well as education on keeping the beach clean, filling in holes, cleaning up after your dog, leaving live shells.

Al Durrett spoke indicating the county already had a program, but was not sure if it was still active, feeling that the town would not need to reinvent anything new since the county had a program already in place.

Councilmember Mandel joined the meeting.

Mr. Durrett suggested the local papers make the public aware when businesses took on sections of beach to monitor.

VI. STORM WATER MAMAGEMENT PLAN

Mr. Andre and Julie Schwab indicated this was geared toward education, such as rain gardens and rain barrels and continued outreach and education for all property owners.

Councilmember Babcock reminded the group that in the back of the storm water management plan there was a list of suggestions for property owners to deal with their own water runoff.

The issue of draining swimming pools was discussed with Keith Laakkonen indicating staff was working on the issue with each application being dealt with in connection with their location, such as pervious pavers, retention areas, etc.

Mayor Kiker suggested recognition programs for those who have successfully completed a project pertaining to MRTF objectives.

VII. BEACH MAINTENANCE

Mr. Andre indicated this topic consisted of ideas for natural beach restoration, such as ways to rake the beach to accumulate more sand and beachscaping and anything else that could be done to foster beach restoration.

Dan Andre asked if there were certain types of plants that needed to be planted for the beachscape, suggesting the plants could be sold through the Matanzas Pass Preserve benefiting that organization.

Councilmember Babcock thanked Keith Laakkonen for the education he has provided to date regarding the vegetation issues and encouraged

MRTF to continue their assessments in alternative beach restoration and beach management.

Mayor Kiker suggested MRTF connect with other municipalities to learn how they handle similar issues and share information.

Community Development Director Walter Fluegel joined the meeting.

The issue of beach raking was brought up with Town Manager Stewart providing those in attendance some background on the subject. Mr. Stewart indicated there was concern from some that there were issues that needed to be addressed, as they did not want it to become a free for all. It was indicated the LPA killed the issue at their last meeting and that one business man who rakes had sabotaged the meeting, with not enough discussion provided.

Mr. Roger Johnson indicated that the ordinance was vague, stating it needed some modification and was then followed at the meeting with disinformation, and not enough discussion causing the issue to go down.

Mr. Fluegel stated the LPA held the issue off a month since Mr. Perry was out of town, giving him an opportunity to come into Town Hall to discuss the issue, but that did not happen. Mr. Fluegel said what happened was the organized showing during the LPA hearing, again stating the LPA put it off and held out until there could be contact made, feeling it was something that could move forward.

Mr. Durrett felt part of the problem was the additional tax, which consisted of a $25.00 fee. Keith Laakkonen provided the basic changes in the ordinance which were:

- redefining wrack line
- allowing for 1 permit if vendor raked multiple properties
- $25.00 fee and site plan to offset staff time
- lighting/night time operation

Discussion turned to the process regarding LPA and Council since Vice Mayor Raymond questioned the issue coming back to Council since the LPA was an advisory committee.
Mayor Kiker felt the issue was a policy decision which was a Council issue, implementation was staff and any code changes would affect LPA. Mayor Kiker felt the issue might have been debated in the wrong arena, feeling the proper process should be discussed.

Walter Fluegel stated the issue was advertised as a public hearing. Councilmember Babcock felt there was value in Mr. Fluegel bringing the issue to LPA as a hearing, by doing so saving Council the time during a regular

meeting. MRTF could not look at the issue again addressing the issues that were brought forth during the LPA hearing. Mr. Andre indicated MRTF had also pushed back a meeting to accommodate Mr. Perry, as well as stating that two of the LPA members were clients of Mr. Perry who voted on the issue.

Mr. Andre indicated the issues consisted of insurance regulation, hours of operation, hand raking of the wrack line, permits and town regulations.

Town Manager Stewart provided Council with a brief review of the LPA meeting indicating the comments made were quite dramatic actually causing one participant to break down in tears. Discussion continued on the subject including the fact that the state regulated raking only during turtle season, that a member of MRTF felt it was the town's beach and it was time to take care of it.

Vice Mayor Raymond asked if all the committees were able to send issues to the LPA without bringing them to Council first, with Mr. Stewart indicating to date it had been a *bottom up* process.

Town Clerk Mayher indicated that after the LPA meeting on the matter MRTF chair person contacted her feeling that 2 members of the LPA should have filed a conflict of interest regarding the vote as Mr. Perry did raking for them, however the Town Attorney had opined that there was no violation of ethics.

III. NUTRIENT ISSUES AFFECTING WATER QUALITY

Issue tabled pending further information.

IX. MOBILE EDUCATIONAL OUTREACH PROGRAMS

MRTF was interested in locating free vendor spaces at the Shrimp Festival, Sandsculpting, etc. where MRTF could set up displays of educational material. Mayor Kiker suggested the communications trailer could be utilized.

Big Carlos and New Pass was then brought up regarding the need for dredging both of those areas. Mr. Durrett felt the procedure needed to start with Fort Myers Beach and get the topic talked about. Mayor Kiker suggested pressure be put on at the county level, working together with Bonita. Mr. Laakkonen suggested taking a look at the entire island, how the sand moves around and the needs that would be required long term for areas such as Big Carlos Pass. Mr. Durrett felt someone from the state or DEP be brought in to discuss the issue with MRTF.

Town Manager Stewart noted that there was an RFP prepared to locate a firm to do the work with the town, seeing no reason why they could not assist MRTF. There was a consensus that this would be a good issue for MRTF.

Mr. Durrett suggested for the year 2012 a 2 day workshop be put on by MRTF, the town and various other organizations as well as state organizations for the public to come and learn what the town is about. Adopt a beach, fishing regulations, law enforcement, pole and troll, oil spill updates would all be categories that could be addressed along with many others. Mayor Kiker indicated the town had done something of that nature already and that there was a parks and recreation day planned for this year.

Mayor Kiker voiced appreciation to MRTF from Council for all the work the committee does.

X. ADJOURNMENT

Mayor Kiker Adjourned the meeting at 11:05 a.m.

Adopted 3/21/11 With/Without changes. Motion by Leet/Mandel

Vote: 5-0

Michelle D. Mayher, Town Clerk

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