MINUTES

Monday, August 15, 2011

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

I. CALL TO ORDER

Mayor Kiker called to order the August 15, 2011 Meeting of the Town Council at 6:32 p.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List and Mandel; Town Manager Stewart, Town Attorney Miller, and Town Clerk Mayher.

II. INVOCATION – Reverend Jean Davis, Beach United Methodist Church

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

No changes to the Final Agenda.

V. PUBLIC COMMENT

Open Public Comment

Jim Stevens, resident, discussed his concerns regarding the Town swimming pool. He noted that many people were unaware of the pool's existence. He recounted how he had stopped at the Chamber of Commerce office and the AAA office and was unable to obtain information about the pool; however, there was a professional brochure he found at the pool office. He suggested distributing the brochure at various locations such as but not limited to real estate offices. He reported that the building at Newton Park had beenused and paid for as a meeting room less than four times.He thanked the Town Manager for getting the shower/foot bath at Newton Park. He suggested better promotion of these Town facilities.

Harry Kengeiser, resident, discussed his experience with the APBA Boat Races which were previously held in Fort Myers Beach in May from approximately 1995 to 2001. He suggested the Town make an effort to revitalize the event. He reported that he had been quietly working to obtain interest from former event sponsors; he noted the positive potential impact the event could have for the Town; and

pointed out that most major sponsors finalize their budgets for 2012 in November or December. He offered to spearhead this matter and stated he was available for any questions.

Closed Public Comment

Council Member Mandel addressed the comments from Mr. Stevens concerning marketing and mentioned thattopic was discussed at the Work Session earlier today.

Town Manager Stewart reported that he had already met with Mr. Stevens regarding marketing and that he had instructed the Parks and Recreation staff todistribute the facilities' literature for better public access. He stated he would have staff investigate appropriate signage at Newton Park.

Council Member Kosinski asked if the APBA Race event should be placed on a Work Session agenda.

Council Member Mandel requested a written plan for the APBA Race event so they could identify sponsors and what was involved with the event.

Mayor Kiker explained the Council could appoint a Council Member to work with the group to bring back the APBA Race; then work with the Town Manager; and eventually present the matter to the Council.

Consensus was to appoint Council Member Kosinski to work with the APBA Race Committee.

VI. LOCAL ACHIEVEMENTS AND RECOGNITIONS
ADVISORY COMMITTEES ITEMS AND REPORTS

Council Member Kosinski reported on the successful Spirit of '45 event held on August 14, 2011 at Crescent Beach Park.

VII. CONSENT AGENDA

A. North Estero Change Order

MOTION: Motion to approve the North Estero Drainage Improvement Project in the amount of $47,874.84 to complete final various work items by Council Member Kosinski; Second by Vice Mayor Raymond.

VOTE: Motion passed 5-0.

VIII. PUBLIC HEARING

A. 11-06, Ordinance Creating an Audit Committee

Town Clerk Mayher read the ordinance title:

ORDINANCE 11-06
AN ORDINANCE CREATING CHAPTER 2, ARTICLE IV, DIVISION 11, IN THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, TO BE ENTITLED "AUDIT

COMMITTEE"; PROVIDING FOR CREATION AND PURPOSE; MEMBERSHIP; DUTIES; MEETINGS; SEVERABILITY AND AN EFFECTIVE DATE.

Town Manager Stewart pointed out this was the first and final public hearing for Ordinance 11-06. He added that the proposed ordinance satisfied a State requirement that each local government must have an Audit Committee, and he described the purpose and function of the Committee.

Public Comment Opened.

James Rodwell, resident, discussed his viewpoint regarding the education requirement for Committee applicants as stated in the Ordinance. He suggested that in addition to having the Committee help select an auditor, as stated in State Statutes, the Committee could also help to perform other audit functions such as but not limited to monitoring the audit, review the financial statements prior to the completion of the audit, review the results of the auditor, resolve auditor and management conflicts, evaluate management's proposed corrective actions, monitor corrective action taken, and evaluate auditor performance. He stressed the need for strong internal controls. He suggested that the ordinance have an additional Section C to Section 2-450 which would include: *the Audit Committee shall perform such additional oversight duties as in accordance with Section 2-18.391 Florida Statutes as determined by Council.*

Town Manager Stewart noted the Town Attorney stated that if the Council wanted to incorporate Mr. Rodwell's suggestion, they could add a phrase that says "and other duties" which would accomplish his proposal.

Public Comment Closed.

Discussion ensued regarding incorporating Mr. Rodwell's recommendation.

Consensus was to amend the Ordinance to include language that would accomplish Mr. Rodwell's suggestion.

Town Attorney Miller recommended changing to Section 2-450(b)put *"and for other purposes as directed by Town Council"* and in Section 2-452, at the end, and add *"and shall perform such other duties as assigned by Town Council"*.

Town Manager Stewart noted the additional language was a good and viable option; however, he cautioned Council with respect to the formation of the committee that it was important for Council to be clear their main focus was to be the selection of an auditor.

MOTION: Motion by Council Member List to adopt Ordinance 11-06, Audit Committee, including the changes recommended by the Town Attorney; second by Council Member Mandel.

VOTE: Motion passed 5-0.

IX. ADMINISTRATIVE AGENDA

A. Acceptance of Ranking and Authorization to Negotiate – RFP 11-02-CR, Cultural Facilities Landscape Maintenance

Town Manager Stewart explained this item would cover the landscape maintenance for both the Mound House and the Newton property. He reported that the landscapers understand there was a good deal of initial work at the Mound House, and he requested Council's approval.

Public Comment Opened.
No Speakers.
Public Comment Closed.

MOTION: Motion by Vice Mayor Raymond to accept the ranking of firms for Cultural Facilities Landscape Maintenance (RFP-11-02-CR) and authorize staff to begin contract negotiations with GrandScapes Landscape & Maintenance; second by Council Member Kosinski.

VOTE: Motion passed 5-0.

B. Resolution 11-12, Citizen Recognition Program

Town Manager Stewart noted there were no changes to what was presented to the Council at a prior workshop on this matter.

Public Comment Opened.
No Speakers.
Public Comment Closed.

MOTION: Motion by Vice Mayor Raymond to approve Resolution 11-12, Fort Myers Beach Citizen Recognition program; second by Council Member Kosinski.

VOTE: Motion passed 5-0.

C. Release of Lien Relating to Code Enforcement Case No. CE 10-0291

Town Manager Stewart reported that prior to Council's hiatus it was requested for a partial Release of Lien and this agenda item was a continuation of that matter.

Town Attorney Miller explained the background and history of the Code Enforcement Lien on the subject property at 390 Jefferson Court. She reported the property was in compliance in December 2010; that BAC did pay to the Town $4,700; and that staff had determined the payment was sufficient to satisfy the outstanding costs and fines for the subject property.

Town Manager Stewart reviewed the supporting documents provided to the Town evidencing the property was secured in December.

Public Comment Opened.
No Speakers.
Public Comment Closed.

MOTION: Motion by Council MemberKosinski to approve Release of Lien relating to Code Enforcement Case No. CE 10-0291 for BAC Home Loans Servicing; second by Council Member Mandel.

VOTE: Motion passed 5-0.

X. PUBLIC COMMENT

Public Comment Opened.
No Speakers.
Public Comment Closed.

XI. TOWN MANAGER'S ITEMS

Town Manager Stewart discussed the Florida League of Cities Conference he attended along with Vice Mayor Raymond last week. He stated it was a worthwhile endeavor. He reported he ordered a DVD which he would make available to the Council concerning the viability of a community through arts and culture.

XII. TOWN ATTORNEY'S ITEMS

Town Attorney Miller reported that at the next meeting staff would bring forth an ordinance for introduction that dealt with telecommunications facilities in the rights-of-way, and noted there were certain State laws on how to handle telecommunications which has to do with North Estero.

XIII. COUNCILMEMBERS ITEMS AND REPORTS

Vice Mayor Raymond recounted his experience at the Florida League of Cities Conference. He reminded everyone that on Wednesday, August 17, 2011 at 9:00 a.m. there would be a Workshop on the Short-Term Rental Licensing. He encouraged the public to attend and to bring their questions too.

Mayor Kiker asked what would be the process if someone wanted to submit questions prior to the meeting to Vice Mayor Raymond or the Town Manager.

Vice Mayor Raymond stated they could give them to the Town Manager or send them to him via email. He reported that he already received a few letters which he would read into the record at the meeting. He stressed that he was trying to make the meeting as open as possible.

Town Clerk Mayher questioned if the Council wanted the Workshop to be televised.

Consensus of the Council was to televise the Workshop.

Vice Mayor Raymond explained that the purpose of the Workshop was to discuss a proposal to license short-term rentals, and he added that this proposal had nothing to do with 'quiet zones'. He noted that rentals were a business and the discussion would review business licenses, reporting and taxes, fire and safety issues for rentals, and contact information for owners of rentals. He explained that after the Workshop the information garnered would then be presented to Council, who in turn may consider some type of ordinance regarding the Workshop findings.

Public Comment.

Jim Stevens, resident, asked what was considered to be short-term.

Vice Mayor Raymond stated six months or less.

Public Comment Closed.

Mayor Kiker reported that earlier today at 4:30 p.m. there was a meeting regarding noise, and he believed there were two more sessions concerning that topic yet to occur.

XIV. AGENDA MANAGEMENT

Town Manager Stewart reported no items at this time.

XV. RECAP OF ACTION ITEMS

- Staff to formulate programs for the Mound House
- Increase marketing and promotion of Town facilities
- Access program for the pass; make more customer-friendly
- Advertise/promote the Town pool
- Work with Library to coordinate use of facilities
- Bay Oaks pavilion status; and recommendation as to possible location on the Bay Oaks site
- Newton property use; how Newton Bay Oaks, and Mound House were be utilized and rates
- LEAN process; Council had a workshop and defined a general direction
- No amnesty program at this time due to small number in existence
- Mowing grass and the responsibility of property owners for their right-of-way area; reviewing with Town Attorney as to what the process entails
- LDC into a useable format on the Internet and in paper form; and move forward using Municode as already done with the Town Codes
- Discussion was held at Workshop on term limits and the Mayor's position

Council Member Mandel noted that concerning the marketing of Bay Oaks and the Mound House, to give consideration of the membership for taxpayers and what it might mean if more people used it even at reduced members' rates.

Town Manager Stewart noted he already had that information.

XVI. ADJOURNMENT

Motion by Council Member Mandel, seconded by Council Member List to adjourn. Meeting adjourned at 7:35 p.m.

Adopted 9-26-11 With/Without changes. Motion by List/Mandel

Vote: 5-0

Michelle D. Mayher, Town Clerk

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