



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

MINUTES

WORK SESSION

Monday, September 26, 2011

I. CALL TO ORDER

Mayor Kiker called to order the September 6, 2011 Meeting of the Town Council at 9:00 a.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List, and Mandel; Also Present: Town Manager Stewart, Town Attorney Miller, and Town Clerk Mayher

II. PLEDGE OF ALLEGIANCE

III. DISCUSSION REGARDING TOWN HALL ACQUISITION REFERENDUM

Town Manager Stewart noted the agenda item back-up was included in the packet for tonight's Regular Town Council Meeting (Blue Sheet # 2011-107) as Resolution 11-18. He continued with an overview of past discussions and actions as it pertained to the present Town Hall building which the Town leased (currently in the first of a 3-year lease), and the acquisition and/or construction of a Town Hall. He noted Town Attorney Miller had provided the Council with a resolution that would authorize a referendum on the next election which would probably be in January 2012.

Town Attorney Miller reported that she worked with Chris Trabor on the referendum, and noted he would be available to answer any questions concerning financing issues. She noted that eminent domain was available to the Town for use in this matter, and briefly discussed the difference between utilizing eminent domain for an existing building versus vacant land with respect to 'business damages'. She explained from a financing standpoint, the Attorney's Office worked to craft the question so the Town might be able to use an ad valorem pledge for the bonds since the Town did not have many other revenues sources.

Discussion ensued concerning the referendum wording as it pertained to financing options; Town Manager Stewart noted a potential problem at the end of the Town Hall's current lease when the landlord

could decide not to renew; and he pointed out the Town was spending \$100,000 annually to rent the present site.

Council Member Kosinski questioned the necessity of defining a 'not-to-exceed' amount.

Town Attorney Miller explained the basis for counsel's recommendation to have a specific 'not-to-exceed' amount.

Town Manager Stewart noted the scarcity of property on the island, and discussed a price range of between \$3,000,000-5,000,000.

Discussion was held concerning the square foot price of property on Fort Myers Beach; parking facilities for Town vehicles at the present location or at a different site; and the statutory requirements when pledging taxes for debt by referendum.

Mayor Kiker noted his concern that the referendum must be written properly as to avoid a validation hearing at some later date. He questioned if a citizens' committee would be formed to evaluate and make a recommendation regarding a Town Hall. He explained how he believed tonight the Council needed to discuss and agree on what the next steps would be in the process.

Discussion ensued concerning the 'not-to-exceed' amount required in the referendum; statutory requirements for using general obligation bonds; the differences with pledging ad valorem taxes versus public service tax revenue; and the Town's Charter provisions related to borrowing funds.

Council Member Mandel asked if the referendum was approved by the voters for a specific amount and it turned out there was an option available that was more cost effective, was the Town required to proceed as approved by the referendum.

Town Attorney Miller responded in the negative.

Discussion was held regarding different situations or circumstances that could arise in the future as it related to a Town Hall building and the assorted ways they could legally be addressed by the Town (i.e. purchasing the current site instead of new construction); and in preparation for the Regular Meeting later in the evening, Council deliberated over probable and possible questions the residents may ask (i.e. eminent domain and the associated costs, and how to inform and educate voters on the referendum).

Council Member Kosinski asked what was the square footage of the present Town Hall.

Town Manager Stewart thought it was approximately 7,000 square feet; and noted that at the current location or even another location, the majority of the space would be used for the Council Chambers for public meetings.

Discussion ensued concerning square footage requirements for a Town Hall – both present and future.

Discussion was held regarding a 'not-to-exceed' amount to insert in the referendum for presentation tonight; the position and timing of real estate prices as it relates to the purchase of a Town Hall; the importance of keeping the residents informed on the issue; the value and leasing options of the current building; the wording of the proposed referendum; and methods or ways of informing the public about the referendum (i.e. Council Members speaking at various community group meetings).

Consensus was that the referendum should include wording that would ask the residents if they wanted the Town to incur debt to finance the acquisition and/or construction of a Town Hall.

Town Attorney Miller confirmed the requested wording was already contained within the referendum.

Discussion was held regarding lease options for the current Town Hall; how the Town's Charter impacts the ability to only lease for three years because a lease incurs debt the same as borrowing; and how two questions, one to lease long-term and one to purchase long-term, would require two separate referendums.

Council Member Kosinski questioned the hurricane rating of the current Town Hall.

Town Manager Stewart explained FEMA/building regulations as it pertained to construction of a Town Hall and renovating the existing building.

Mayor Kiker summarized the result of the discussion so far as two questions:

1. Did they want the Town to pledge or use tax money and go into debt?
2. Did Council want to ask the will of the people, yes or no?

Discussion continued regarding the question of a long-term loan on the referendum.

Recessed at 10:00 a.m. – Reconvened at 10:12 a.m.

Mayor Kiker reviewed consensus to be that the Council was going to ask the residents if it was their will; and second, Council realized they could not come up with all the possibilities or 'what ifs' that might be asked of them tonight.

Town Attorney Miller reported Chris Trabor would include some language concerning a long-term lease if the wording did not make the referendum a compound question.

Discussion continued concerning the wording of the proposed referendum; possible federal tax implications that could arise as it related to financing after the purchase; prior staff discussions with the current landlord regarding purchase or long-term leasing; and possible dates for the 2012 election.

Town Attorney Miller reviewed the referendum ballot question:

Approval of Bonds to Finance the Acquisition and Construction of a Town Hall
Shall the Town of Fort Myers Beach issue bonds, including general obligation bonds, maturing not later than 30 years from their issuance, in a principal amount not exceeding \$ _____, bearing interest at market rates, to finance the acquisition and construction of a Town Hall, which bonds may be secured by

and payable from ad valorem property taxes levied without limit on all taxable property within the Town in addition to other available revenue sources?

She explained that acquisition could mean purchase or eminent domain, etc. She added there would be revised language tonight that would include a long-term lease.

Discussion ensued regarding informing the public on the situation, the financing, and other points relating to the Town Hall.

Town Manager Stewart noted his agreement with comments by Vice Mayor Raymond not to complicate the referendum question.

Discussion continued regarding the wording of the proposed referendum as Exhibit "A" to Resolution 11-18; and dialogue was held concerning how Council could participate in the process of informing the public, as well as assistance from other community members who might support the referendum.

Mayor Kiker reviewed Council's key discussion points so far - the Town Attorney would determine appropriate language and include any changes if needed for discussion at the Regular Meeting; any amended language would be disseminated to the Council prior to the meeting; she and Mr. Trabor would be available for questions prior to the meeting; and she would also determine whether or not there should be one question or two questions on the referendum.

Discussion ensued regarding the not-to-exceed amount for the referendum.

Town Attorney Miller noted the receipt of an email from Lee County Election Supervisor, Sharon Harrington, which stated if the Town wanted the referendum included on the Presidential Preference election it was basically a Republican election, so the Town may lose the voters who have no party affiliation, are Democrats, or who feel it is not worth going to the poll for one or two questions. She added that the Supervisor stated the Town could do a mail ballot election for a referendum question; however, it would cost approximately \$3.00 per registered voter.

Consensus was to use \$7,000,000 as the not-to-exceed amount in the referendum.

IV. AGENDA MANAGEMENT

- Customer Service Report
 - Town Manager Stewart reported staff had customer surveys in place; the main area of focus was in the Community Development Department; and he noted he would be able to present a report at a later date – Consensus was to remove this item from the list.
- Mass Transit, Traffic, Transportation, Road, M&R
 - Vice Mayor Raymond stated a Work Session was not necessary now; however, he was working on a meeting with other agencies – Item remains on list, but unable to confirm a specific date as of today.
- Estero Boulevard

- Mayor Kiker explained the Town Council would need a meeting ‘sooner than later’ and that the Town Manager’s group was currently working with the County. He reported the Estero Boulevard Project was ready to begin and explained how the Town was working with the BOCC, the project was funded, and the project was part of the 5-Year CIP. Mayor Kiker noted this item would remain on the Agenda Management List and as soon as the Town Manager had an agreement from the County staff then the Council would schedule a Work Session.
- MPO 5-Year Plan
 - Vice Mayor Raymond discussed Congestion Mitigation Funds, sidewalks and bicycle paths. Mayor Kiker stated the item would remain on the list and they would await further information which was forthcoming as soon as it was made available.
- Stormwater Projects/Planning
 - Town Manager reported there was still much work to do; he asked the item remain on the list and he would inform Council as soon as the topic was ready.
- Mound House Project Completion – removed from 5/2/2011 Agenda
 - Town Manager Stewart reported staff was working on item; Mayor Kiker explained the item needed to be one of the first items to be placed on a Work Session; he added that the house next to the Mound House was for sale but has now come off the market and he discussed the idea of purchasing the property. Consensus was to have the Town Manager investigate the status of the property and report to Council.
- Review Town’s ILAs – added 4/18/2011
 - Town Manager Stewart reported staff was looking at the ILAs (interlocal agreements) with the County. Consensus was that Council Member Mandel was the Liaison on this matter. Mayor Kiker noted there were particular ILAs for which the Town had review rights.
- Discussion re: Parks & Recreation – What business are we in/rates, fee structure, etc. – added 4/18/11
 - Town Manager Stewart explained this item was about determining what business the Town was in as it related to Parks and Recreation, and a Work Session was necessary. He added that part of this item involved the rate and fee structure. The item would be scheduled for a Work Session after the new Parks and Recreation department head was hired.

Mayor Kiker instructed Council that if there was an item that required a Work Session, they should send an email out to the City Manager requesting it be scheduled on a certain date.

Mayor Kiker requested the following topic(s) be added to the Agenda Management List:

- Public Relations for the Referendum – 10/17/11

Mayor Kiker asked if there was any resolution to the Randy Amos Boat Ramp; and asked if there could be some communication on a regular basis with the person in question, and that the Council be copied on all communications.

Town Manager Stewart reported this topic was active and he acknowledged Council’s request.

Mayor Kiker mentioned there would be a "Paint the Beach" event again this year on November 21, 2011 and that the organizer would like to have a Town Hall Meeting with the Council; and it would replace the Work Session on that day.

Consensus was to hold the Town Hall Meeting in lieu of the Work Session on November 21, 2011.

Mayor Kiker questioned the Volunteer Appreciation Dinner and the awards. He explained there were time criteria with respect to the nominations and advertising.

Town Manager Stewart recounted that the Council had turned this item over to a committee who in turn recommended the awards be delayed until March.

Town Clerk Mayher reported that she polled Council and they concurred that October 27, 2011 was an appropriate date; she had received quotes from Pink Shell and Diamond Head and staff was prepared to give the quotes to the Town Manager tomorrow. She noted that staff was prepared to mail invitations out this week once the venue was determined; and gifts were ordered to give to the Committee members.

Discussion was held regarding a guest speaker for the dinner.

Town Clerk Mayher recounted how it was the recommendation of CRAB not to tie the Citizens of Distinction Award to the Volunteer Appreciation Dinner and the corresponding resolution was amended to reflect the recommendation on August 15, 2011.

Discussion was held concerning the Volunteer Appreciation Dinner; potential candidates for the role of guest speaker; the Mayor would work to schedule the guest speaker; Council Member List would work on obtaining entertainment; and they would continue to give each volunteer a Certificate of Appreciation.

Mayor Kiker requested to view the Volunteer Appreciation Dinner invitation prior to mailing, as well as the event's program. He stated if there were any special guests the Council would like to invite to the dinner, to forward the names to the Town Manager.

V. ADJOURNMENT

Meeting adjourned at 11:17a.m.

Adopted 10-17-11 With/Without changes. Motion by Kosinski/Raymond

Vote: 5-0


Michelle D. Mayher, Town Clerk

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