MINUTES

Monday, March 5, 2012

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

I. CALL TO ORDER & PLEDGE OF ALLEGIANCE

Mayor Kiker called to order the March 5, 2012 Meeting of the Town Council 2:03 p.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List, and Mandel; Also Present: Town Manager Stewart, Town Attorney Miller, Finance Director Wicks, Community Development Director Fluegel, and Town Clerk Mayher.

Mayor Kiker requested to change the order of the agenda and discuss Item III – Pedi-cabs first.

Consensus was to approve the agenda order.

II. DISCUSSION OF PEDI-CABS

Mayor Kiker remarked that the discussion concerned amending the Town's Code of Ordinances for possible future adoption.

Town Manager Stewart noted that since much of the Fort Myers Beach businesses centered on tourism that it would not be uncommon to have this type of business; however, currently there was not an appropriate mechanism in the Town's codes to allow or license pedi-cabs. He reported that a resident had requested action on Town codes to approve pedi-cabs, and Council had placed this item on the agenda management list to schedule for a Work Session.

Town Attorney Miller reviewed the draft pedi-cab regulations she prepared after researching the matter and how it was addressed in other towns and cities around the country. She explained the basis for her decision to place the draft language of Section 10 since it dealt with taxi cabs and pedi-cabs were a non-motorized form of a taxi. She reviewed the draft language which started on page 7 of the agenda back-up (Section 10-58 – Additional Regulations Applicable to Pedi-cabs). She noted the language was very

restrictive and asked Council for direction as to what level of regulation they were seeking for pedi-cabs (i.e. – liability insurance, limiting or restricting areas of operation, etc.).

Town Manager Stewart recounted his experience in San Antonio, Texas as it pertained to pedi-cabs. He suggested a 'firm foundation' of regulations for pedi-cabs, but advised not to over-regulate it.

Discussion was held to determine if Council had an interest to pursue the topic further; and each Council Member noted potential concerns such as but not limited to liability insurance and traffic issues.

Consensus was to discuss the issue of pedi-cabs further.

Mike Dearden ("Popeye"), resident, explained that he too was concerned about many of the issues as Council, such as but not limited to liability insurance. He stated that he wanted to follow the rules and regulations; and he noted safety was first and foremost with him. He noted that he would not use the sidewalks, and he requested that in the Times Square area heading south that he be allowed to use the sidewalk until the pedi-cab was past McDonald's.

Council Member Kosinski asked Mr. Dearden how many pedi-cabs did he intend to operate.

Mr. Dearden stated he planned to operate two pedi-cabs.

Discussion was held concerning safety issues as it pertained to areas with no bike lane; bicycles riding in the Times Square area and safety issues; and problems with bicycles riding on the sidewalk.

Mayor Kiker discussed his belief that the Council should look at 1) the operational side of pedi-cabs; 2) the logistics of pedi-cabs; and 3) the legal aspect of pedi-cabs.

Town Manager Stewart described his observation of the draft amendment, page 8, paragraph 4(f) and (g), and suggested they not be included in the amendment.

Mayor Kiker suggested the Council instruct staff to work with the Legal Department on the logistics; staff and Legal work with the pedi-cab owner on the operations; and then staff would come back to Council with recommendations. He added then pedi-cabs could be scheduled for a workshop, and then decide whether to schedule it for a hearing or not.

Council Member List asked the Town Manger to have staff interview Mr. Dearden regarding the operation of the service since he had 'on the ground' experience.

Council Member Mandel noted his concern if the pedi-cab operation was occurring presently since there were no regulations in place.

Town Manager Stewart reported that the individual came into the Town to inquire about licensing, and he was informed that he could not operate a pedi-cab business since there were no regulations.

Recess at 2:30 p.m. – Reconvened at 2:40 p.m.

III. FY 2013 PRELIMINARY BUDGET DISCUSSION

Town Manager Stewart stated that Council Member List had questioned him regarding the illegal cutting of mangroves. He reported his inquiry into the matter found that there had been some illegal cutting/trimming of mangroves in the preserve area; however, it had nothing to do with the beach erosion taking place which Council discussed at today's regular meeting earlier.

Town Manager Stewart briefly reviewed the agenda documents provided in the agenda packet which were staff's best estimates of revenues and expenditures for the Town's major funds (General Fund, Water Utility Enterprise Fund, and Capital Improvement Projects). He noted the variance of $186,217 (Page 2 – General Fund Detail, FY 2013) and expressed his belief that the figure was entirely manageable; and he pointed out that the budget included a 2% salary increase for employees. He added that his position was not included in the group of employees budgeted for a 2% increase. Town Manager Stewart highlighted there was detailed information included regarding expenditures and revenues; and he discussed how Capital Improvement Fund project impact a budget. He noted certain aspects of the budget and major differences regarding the current and proposed budgets as follows:

- Town Council Compensation remained the same; Committee Minutes increased

Discussion ensued regarding the facets of processing committee meeting minutes which included but was not limited to transcription time and cost.

Finance Director Wicks explained that this was very early in the budget process, and she expected that the next time the budget was discussed the revenue and expenditure elements would change.

Vice Mayor Raymond questioned the cost of $25,000 for the Town Council IT System.

Finance Director Wicks reported the funding was for the audio/visual system and staff was hoping to take care of part of that item this fiscal year. She noted this included funds to enable live streaming of the Council meetings.

Vice Mayor Raymond asked if that expenditure could be placed in another department such as the Town Manager or Finance Departments.

Town Manager Stewart requested the Finance Director place the expenditure in General Services. He continued to highlight certain aspects of the budget and major differences regarding the current and proposed budgets as follows:

- Town Manager – Car Allowance/Benefit Package increased; however, Town Manager received payment in lieu of health care benefits and funds were transferred from Life, Health and Disability line item to a more appropriate line item
- General Services – staff to move $25,000 from Town Council IT System
- Legal – increased by $10,000; however, Finance Director Wicks was awaiting contact by Legal regarding her estimated figure
- General Services – Software increased; Finance Director Wick explained the increase was partially due to the fact that the current water utility software was not compatible with the

Town's software; and she explained how staff would be seeking a software package that could handle utility billing and fund accounting.

- General Services – Intern: this would allow the opportunity to bring in people from the university to use them for special projects.
- Seasonal Events & Special Events: increased due to the Town taking over the fireworks responsibility for July 4th and New Year's Eve.
- Emergency Communications: Finance Director Wicks to verify if this amount was in a different fund last year.

Discussion ensued regarding the proposed expenditure details and history, line item increases and decreases, potential areas of concern for the Council, and significant changes in the proposed budget.

Town Manager Stewart discussed his views regarding the Year-To-Date budget and Preliminary Budget for FY2012-2013, and explained how the numbers were still subject to change.

Discussion ensued to determine what Council wanted to achieve or was seeking from staff at the end of the budget discussion; the General Fund Revenue detail and history (page 4); shared revenues from the State; projected software expenditures next year; and the Communications Service Tax and the Public Service Tax.

Council Member Mandel requested that line items which indicated an increase include a notation as to why and when the City Manager believed the activity needed to be accomplished.

Town Manager Stewart explained how he traditionally prioritized expenditures with staff during the budget process. He recapped the budget discussion:

- Council had an understanding of the revenue projection issues and staff would work to tighten up those numbers as staff worked on the forecasting; and,
- Where there are differences, 4% or more, staff would provide a footnote; and for items different from last year, or over and above last year staff would provide a priority list of what staff believed to be the priorities.

Consensus agreed with the Town Manager's recap.

Discussion was held whether or not to include the Year-To-Date figures.

Town Manager Stewart called attention to the Capital Improvement Projects Fund Expenditure detail and history (pages 16 and 17). He noted there were many projects infused into the budget next year and mentioned this information would be presented to the LPA (i.e. potable water system, stormwater system). He encouraged Council to review these pages on capital projects.

Discussion continued regarding whether or not Council had obtained the information they were seeking from the budget discussion; Council was appreciative of starting the budget process earlier this year.

Discussion and review of Agenda Management Items was held.

- Council Member Kosinski requested to place the Mid-Island Bridge (bridge alternatives) on the next Work Session (3/19) for purpose of introduction.
- Vice Mayor Raymond requested the Mound House be placed on the first meeting in April (4/2); to include parking issues and the other items listed on the Agenda Management List.
- Mayor Kiker inquired about COP; staff was working on information requested at the last Work Session and staff anticipated going an introduction and public hearing next month on April 2nd with a second public hearing on April 16th.

Mayor Kiker discussed a communication received from Fair View Isles regarding the COP; the importance of informing the public on COP; his desire to discuss the COP with the LPA at the upcoming Joint Meeting; the appearance of an LPA member at a condominium association meeting where they discussed COP; and whether or not it was the role of the LPA to represent the Town on policy decisions before organizations.

Consensus was to approve discussing the topics as noted by Mayor Kiker at the upcoming Joint Meeting with the LPA.

Council Member Kosinski suggested a 'guest opinion' by Community Development Director Fluegel on the COP.

Town Manager Stewart explained his belief that a 'guest opinion' should be from the Mayor or a Council Member.

Discussion continued regarding informing the public on the COP; and Mayor Kiker offered to write a 'guest opinion' letter and Community Development Director Fluegel would give the Mayor the necessary facts for the letter; and Council Member Mandel as the Condominium Association Liaison would address the COP matter at the next Association meeting.

Discussion and review of Agenda Management Items continued:

- Sign Ordinance: Town Manager Stewart gave an update on the compliance status; scheduled for the second meeting in May (5/21)
- Developer Signs: will be dealt with the sign ordinance on 5/21
- Traffic & Safety: whether or not to bring back the previous committee; add to 3/19 Work Session
- Estero Boulevard: Legal working on with County
- Stormwater Master Plan: staff would come back with a date
- Town ILAs: Legal
- Parks & Recreation, Art in the Community: scheduled for 6/4 Work Session to discuss what position Council may want to take regarding arts in the community
- Review of Chapter 34, FEMA issues: staff to come back with a date
- Stormwater issues: staff to come back with a date
- Economic Development: Town Council and schedule for the Work Session on June 18th
- Ethics: awaiting a date
- Derelict Properties: Staff for 6/18
- Lien Reduction Process: Staff to schedule 4/16

- Seafarer's: updates at each Council Meetings (on-going)
- Special Event Ordinance: Legal
- Review of Noise Ordinance: Town Council, staff requested a discussion to get policy direction; set for a Work Session; first Work Session in May (5/7)
- Private Use of the Right-of-Way: Legal and staff – date to be determined
- Review Town's Advisory Committees: Legal – date to be determined.
- Image of Fort Myers Beach: set as a regular agenda item; remove from Agenda Management List

Council Member List reported that in the past the group previously responsible for 4th of July Fireworks would work throughout the year to raise funds for the event. She asked if the Town Manager had any interest from the various organizations in the Town indicating an interest in spearheading the fund raising effort.

He reported that he had not received intent or interest from other organizations; however, in discussing the matter with Ms. Semmer, she indicated to him that some of the people involved in the past still wanted to remain involved in the fund raising efforts. He reported he would pursue the matter further.

Council Member List informed the Town Manager that she was interested in the 4th of July fireworks matter and offered her support and requested to be informed of the permitting issues.

Town Manager Stewart recounted his work with Ms. Semmer and how they already submitted a permit application to the federal government.

Consensus was to approve Council Member List as the Council Liaison for the event fireworks.

IV. ADJOURNMENT

Meeting adjourned at 4:45 p.m.

Adopted 4-16-12 With/Without changes. Motion by Kosinski / Raymond

Vote: 5-0

Michelle D. Mayher, Town Clerk

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