MINUTES

Wednesday, March 7, 2012

JOINT WORK SESSION
FORT MYERS BEACH TOWN COUNCIL
AND
LOCAL PLANNING AGENCY
TOWN HALL – COUNCIL CHAMBERS
2523 ESTERO BOULEVARD
FORT MYERS BEACH, FLORIDA 33931

I. CALL TO ORDER

Mayor Kiker called to order the March 7, 2012 Joint Meeting of the Fort Myers Beach Town Council and the Local Planning Agency at 9:05 a.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List, and Mandel; Local Planning Agency Members present were: Chair Joanne Shamp, Dan Andre, Hank Zuba, Al Durrett, Jane Plummer, and John Kakatsch; Alan Smith was excused. Also Present: Town Manager Stewart, Town Attorney Miller, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

III. WELCOME AND INTRODUCTION

Mayor Kiker briefly explained the purpose of Joint Work Sessions and encouraged LPA members to discuss their thoughts and concerns.

Chair Shamp explained how she prepared the Agenda by researching previous LPA meetings and Action Lists. She stated the LPA was seeking policy direction from Council on the Topics for Policy Discussion and Direction:

- Post-Disaster Recovery Ordinance: use of ordinance previously prepared
    - Discussion ensued regarding upcoming changes by FEMA for revisions to the building code to include some floodplain standards and requirements, and the community rating system; Chair Shamp asked if this item should stay on their list of work, and for a determination of the level of urgency.

Consensus of Town Council was to approve that the Post-Disaster Recovery Ordinance remained on the LPA Action List.

Ms. Shamp noted that at the end of the meeting the LPA had requested to obtain input from Council for prioritization of the workload in numerical order.

Mayor Kiker distributed the Town Council's updated Agenda Management List (updated as of March 5, 2012); and explained the purpose of the list, how and why it was created, and how it denoted ownership, a commitment date, and a meeting date. He described how the Agenda Management List helped to eliminate the need for prioritization.

Discussion ensued among Town Council to determine if a section should be added to their Agenda Management List for the LPA; consensus was to approve adding a section for the LPA to the Council's Agenda Management List and to add the "*Post-Disaster Recovery Ordinance*".

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- Estero Boulevard
    - Design: Mr. Durrett discussed the landscaping on North Estero Boulevard where trees were planted under the electric lines, and explained his belief that the company who planted the trees should have known not to place the trees under the power lines. Discussion was held regarding the trees; notation was made that the Town was aware of the problem and was working on the matter; and Town Manager Stewart mentioned some of the factors that impacted the plantings was due to the sidewalks and general lack of space.

Mayor Kiker stated the Council would take the North Estero Boulevard tree plantings on as an Action Item.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- Estero Boulevard
    - Complete Streets: Discussion was held concerning crosswalks and the use of faux red brick crosswalks; and pedestrian education.

Discussion was held regarding the promotion of a pedestrian safety program called '*Point to Safety*' to help eliminate confusion between pedestrians and vehicles at the crosswalks; possible use of CRAB to help with the promotion of the safety program; and it was mentioned that the Council was considering restoring the Traffic Mitigation Agency (TMA).

Mr. Andre discussed his belief that there should be a crosswalk at each beach access and possibly some type of solar lighting.

Mayor Kiker stated the crosswalks, lighting, and pedestrian safety would be suitable topics for the TMA.

Mr. Kakatsch discussed an opportunity with a local supplier as it pertained to '*stick figures*' that could be placed at crosswalks as an aid to pedestrian safety.

Town Manager Stewart reminded everyone that Estero Boulevard was a County road.

Mayor Kiker stated Mr. Kakatsch's recommendation would be a suitable item for the TMA.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- Estero Boulevard
    - *Seafarer's*: Discussion was held concerning how much involvement would the Council anticipate from the LPA.

Mayor Kiker reported the County had not submitted a permit yet, and that Damon Grant was in charge of the project.

Council Member List recounted the activities of the Town thus far on the matter with respect to an art project for the subject property using the talents of Beach school children and with the assistance of the Art Association.

Council Member Mandel described his efforts on behalf of the Council with the assistance from the Town Attorney regarding *Seafarer's*. He explained the concept of drawing a circle surrounding the *Seafarer's* property to capture tax increment funding to help pay for improvements.

Town Attorney Miller discussed the findings of her research efforts to date regarding a 'community redevelopment agency' area for the Beach when the Town was incorporated. She explained that she was continuing to review the voluminous documents on the topic, and when completed, she would prepare an opinion. She reviewed her communications with the County Attorney's Office regarding whether or not an amendment to the Comprehensive Plan would be necessary if the County pursued a parking facility on the subject property; noting the County was aware of the need to submit an amendment to the existing CPD zoning and submit a new MCP to demonstrate consistency with the Comprehensive Plan.

Discussion ensued regarding how any public workshops and/or involvement by the LPA would depend on what the County's intention was for the subject property.

Mayor Kiker noted that the funding for the *Seafarer's* property came from the Tourist Development Council, and he explained the background regarding the TDC's acquisition of the subject property, and the Town's discussions with the TDC. He added that there were decisions being made now that the Town was not aware of at this time. He discussed the County's change to the Town's intended recognition of former LPA Member Carlton Ryffel, and reported the Council would support action by the LPA to notify the BOCC of their disappointment with the County to change the Town's plan to honor Mr. Ryffel.

Discussion ensued regarding the *Seafarer's* property and possible action by the Town through code requirements.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- ILA with BOCC: Town Attorney Miller reported that the first meeting on the interlocal agreement with the County for improvements to Estero Boulevard was scheduled for Monday. Discussion ensued regarding the anticipated improvements to Estero Boulevard.
- Rights-of-way: Ms. Shamp noted the large amount of work the LPA had already completed on this subject and questioned direction from Council.

Town Manager Stewart questioned if the issues regarding rights-of-way (i.e. parking in ROW, newspaper boxes in ROW, etc.) would come under the purview of the LPA.

Ms. Shamp reported the LPA was working on the rights-of-way issues due to direction from a former Town Manager in 2009. She added that if it was the Council's desire not to have the LPA work on this issue they would accept the decision.

Discussion was held regarding the LPA and the issue of rights-of-way.

Consensus was to remove rights-of-way from the LPA Action List.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- Noise/Entertainment: Ms. Shamp noted this topic was already on the Agenda Management List with ownership by Town Council, and a Council Work Session had been scheduled for May 7, 2012; therefore, the LPA would deal with the issue when it came to them in the form of an ordinance.
- Sexually Oriented Businesses: Ms. Shamp pointed out there was a draft ordinance from 2009; Mayor Kiker asked the Council if they desired to place this topic on the Agenda Management List; Town Attorney Miller reported the Town's code did address the matter; and consensus was to remove it from the LPA's Action List.
- Brand Identity of Fort Myers Beach: Ms. Shamp reported the LPA was interested in the topic and they had already discussed concepts such as but not limited to the Beach as a 'family island', arts on the island, playgrounds, etc.

Discussion ensued regarding the replacement of playground equipment at Lynn Hall Park by the County; and consensus was to allow Town Manager Stewart time to contact the County regarding the matter and then follow-up with a letter to the County if necessary.

Council Member List suggested the Town investigate a 'town-owned area for a children's playground' and what it might entail.

Town Manager Stewart noted the Town did not own much property, especially at the south end of the Island.

Discussion was held regarding the concept of a Town playground and available property; and Mayor Kiker requested the matter be placed on the next Council Agenda.

Ms. Plummer, representing the HPB/HAC, asked if there was any date set for the re-opening of the Mound House and it was determined it was currently opened. She reported they were working on their historical plaque presentation and the vista signs.

Town Manager Stewart asked Ms. Plummer if there was anything the Town staff could assist them with on the historical plaques and vista signs; and he reported that Town staff, Josh Overmyer, had been assigned to assist the HAC.

Mayor Kiker recounted his experience when he served on the HAC as it pertained to the need to 'record history', and the importance of recording the Town's history, and pledged the financial support of the Town in their efforts to record history.

Discussion ensued regarding designating buildings as 'of historical significance' in the Town.

Town Manager Stewart explained the Mound House itself was still under renovation; however, they could go ahead and place the historical significance designation sign on the building, it would be removed during the renovation, and reinstalled after the renovation was completed. He added that staff had already reported an updated timeline to Council a few days ago, and would bring to Council in April a completed timeline. He clarified to Ms. Plummer at this time the exhibit was opened, but the house was not.

Discussion ensued regarding potential funding from the State for the Mound House.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- Brand Identity of Fort Myers Beach
    - Arts on the Island: Mr. Durrett explained how the LPA believed it was important for people coming onto Fort Myers Beach to be able to enjoy the arts as well as the beach and the sand. He discussed the efforts happening to bring back the Film Festival and would accept any help from the Town; and noted an upcoming event fund raiser. It was recommended to ask CRAB to become involved with this item; and consensus was to place the matter on CRAB's 'to do list'.

Discussion was held concerning a 'concert in the park' event that was previously held at Lynn Hall; and the current events coordinated by the Times Square Alliance held in the Times Square area.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- Brand Identity of Fort Myers Beach
    - Mass transportation - trolleys as a tool for family entertainment and education: Ms. Shamp discussed the ability for the trolleys to be used as an education and entertainment opportunity; and Vice Mayor Raymond noted LeeTran was aware of the opportunity and working on it. Town Manager Stewart stated he would contact LeeTran regarding the opportunities available and report back to Council and the LPA.
    - Intertwining of Fort Myers Beach and San Carlos Island – Mr. Durrett discussed how the two islands were close in proximity and should work together; Mayor Kiker noted San

Carlos Island held an annual meeting and the Town may want to consider contacting them about working together.

Town Manager Stewart recounted how some San Carlos Island residents had contacted the Town about erroneous billing, not by the Town, for a communications service tax.

Council Member List discussed the fact that an interlocal agreement existed which concerned how adjoining areas or towns would keep each other informed about projects within their community that may impact neighboring areas.

Mayor Kiker requested Town Manager Stewart contact Bob Beasley regarding the next meeting in San Carlos and the interlocal agreement. He explained that about two months ago the Council decided to improve the image of Fort Myers Beach and how they intended to go to every organization and request one suggestion that would improve the image of Fort Myers Beach. Also, he mentioned that 'image of the Beach' topic would be included on every Council agenda.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- BP Reimbursement: Mr. Kakatsch gave an update on possible BP reimbursement and a lawsuit that would need to be completed before BP would take on any new claims. Council Member Mandel recounted the steps they took when the oil spill first occurred, and noted the TDC had received funds from the State initially and then filed a subsequent claim. Town Manager Stewart reported the Town did not expend any funds to clean-up the beach; however, there were service industry personnel who could make a claim individually.

Discussion was held regarding loss of tax revenue from bed tax and sales tax; whether or not a claim by the Town was viable; how the Town did not have a direct claim to bed tax or sales tax; and the lack of the Town's representation on the TDC and how the Town was working to change the representation to be based upon revenue and not population.

Mr. Andre discussed the idea of a code of conduct for short-term rentals as it pertained to 'noise and entertainment'.

Mr. Kakatsch expressed his desire to see a 'permanent home' for Fort Myers Beach's Town Hall, and suggested investigating how to acquire the current building.

Ms. Shamp continued to review the Topics for Policy Discussion and Direction:

- LPA Policy and Procedure Manual & Prioritize Workload in Numerical Order: Ms. Shamp suggested the Town Council review the LPA Policy and Procedure Manual to see if it met the Council's current attitude or desires. Ms. Shamp requested a copy of the Council's Agenda Management List be included in the LPA meeting packets each month.

Discussion was held concerning whether an LPA Member should attend the Council Work Sessions as a resident or representing the LPA.

Town Manager Stewart suggested that when there was an agenda item that related to work the LPA would or may do, they would want to send a representative.

Mayor Kiker discussed the LPA's responsibility as it related to CIP and how they attended M&P Meetings in the past in order to bring back information to the rest of the LPA membership.

Mr. Durrett discussed the possibility of having a committee comprised of some contractors, some homeowners, and Town staff a few times a year to solve one problem every six months as it pertained to permitting issues.

Council Member List gave an update on the status of the Town's 4th of July celebration.

Discussion was held regarding the number of joint meetings to be held during the year; and it was agreed that even though policy was twice a year, the LPA could request additional meetings when they felt a meeting was in order.

Discussion was held concerning the concept of 'oral histories' and the historical importance and significance of what happened in the Town.

Town Clerk Mayher reported the Council was required to present a preliminary budget by July 15, 2012, and suggested the next Joint Meeting be held before or after September.

Discussion was held; consensus was the next Joint Meeting would be held on the second Wednesday in October, subject to change if necessary.

Mr. Kakatsch asked to place the purchase of the current Town Hall site on a Council agenda; Mayor Kiker noted this topic was discussed previously, and explained the problems with the property being included within a trust; Town Manager Stewart discussed personal property rights and eminent domain requirements in Florida. Discussion ensued regarding the current Town Hall site and precautionary measures the Council had taken so far regarding the subject property.

IV. ADJOURNMENT

Meeting adjourned at 11:13 a.m.

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

Vote: 5-0

Michelle D. Mayher, Town Clerk

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