MINUTES

Monday, April 2, 2012

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 April 2, 2012 Regular Meeting of the Town Council at 9:05 a.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, Public Works Director Lewis, Community Development Director Fluegel, and Town Clerk Mayher.

II. INVOCATION – Rev. Moore Davidson

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Mayor Kiker reported in the past the 'Reorganization of the Town Council' was held before Public Comment and asked for approval to change the order of the Agenda accordingly.

Consensus approved the requested change to the order of the Agenda.

V. REORGANIZATION OF COUNCIL

A. Selection of Mayor and Vice Mayor

Mayor Kiker explained how the selection of the Mayor and Vice Mayor was conducted annually.

Town Attorney Miller opened the floor for nominations for Mayor.

Council Member Kosinski nominated Larry Kiker.

Town Attorney Miller asked if there were any other nominations for Mayor; seeing none she closed nominations.

VOTE: Motion approved, 5-0.

Town Attorney Miller opened the floor for nominations for Vice Mayor.

Council Member Kosinski nominated Bob Raymond.

Town Attorney Miller asked if there were any other nominations for Vice Mayor; seeing none she closed nominations.

VOTE: Motion approved, 5-0.

B. Selection of Council Representative and Alternate to Outside Committees

1. Charlotte Harbor National Estuary Program
2. Coastal Advisory Committee
3. Horizon Council
4. Human Services Council
5. Metropolitan Planning Organization
6. Southwest Florida Regional Planning Council

Mayor Kiker noted there was information included in the agenda packet which indicated the Council representative and alternate for each of the outside committees. He asked if there were any changes; none were noted.

MOTION: Motion by Council Member Kosinski to keep all the assignments the same; second by Council Member List.

VOTE: Motion approved, 5-0.

C. Selection of Council Liaison and Alternate to Town Advisory Committees and Boards

1. Anchorage Advisory Committee
2. Audit Committee
3. Bay Oaks Recreational Campus Advisory Board
4. Community Resource Advisory Board
5. Cultural and Environmental Learning Center Advisory Board
6. Marine Resources Task Force

Mayor Kiker noted that there was information included in the agenda packet which indicated the Council representative and alternate for each of the Town boards and committees. He asked if there were any changes; none were noted.

MOTION: Motion by Council Member Kosinski to keep all the assignments the same; second by Council Member List.

VOTE: Motion approved, 5-0.

VI. PROCLAMATION

A. 2012 Water Conservation Month

Town Clerk Mayher read the Proclamation of the Town of Fort Myers Beach proclaiming April as *Water Conservation Month.*

Mayor Kiker presented the Proclamation to Phil Flood, Intergovernmental Representative, Lower West Coast Service Center, of the South Water Management District.

Phil Flood of the South Water Management District accepted the Town's Proclamation naming April 2012 as Water Conservation Month.

VII. IMAGE OF FORT MYERS BEACH

Mayor Kiker explained the purpose of the new agenda item "Image of Fort Myers Beach". He reported that Mr. Durrett addressed the Council last week with issues concerning traffic and pedestrian safety which resulted in the Town's support of the issue with the creation of a new committee.

Annie Babcock, resident, discussed the importance of image and how each person had different images of the Town in years to come. She reviewed the current events and attractions that promoted a positive image of the Town. She recounted how she had many visitors lately, and told of their experience visiting other area beaches. She told of their compliments they offered for Fort Myers Beach over all the other locations. She talked about some of the confusing rules in the Town (i.e. where dogs were permitted and not permitted), how the media portrayed the Town as it related to COP, and how such things impacted the Town's image. She mentioned how image also affected real estate prices and how the Town needed a positive image.

Chris Schaab, resident, while holding a clump of fishing line, noted the Matanzas Bridge looked 'pretty good' today and commented that the 'Downtown Rezoning Development Beach' was being abused again.

VIII. PUBLIC COMMENT

Mayor Kiker noted Public Comment time was scheduled for discussion of items that were not on the agenda.

Open Public Comment.

No speakers.

Public Comment closed.

IX. LOCAL ACHIEVEMENTS AND RECOGNITIONS

A. Fort Myers Beach Kiwanis Club Foundation
Kiwanis Club donated $1,000 toward the Parks and Recreation Department's Summer Day Camp Program. The funds would be used to offset the travel expenses for the Town's youth, 'tweens, and teens to attend Sun Splash Waterpark, Zoomer's Amusement Park and the Fort Myers "Skatium".

Council Member List noted today was National Autism Awareness Day.

X. ADVISORY COMMITTEES ITEMS AND REPORTS

No items or reports.

XI. CONSENT AGENDA

A. Authorization to Submit a Letter of Interest for the EPA Green Infrastructure Program
Staff to prepare and submit a Letter of Interest for the EPA Green Infrastructure Program.

B. Approval of Professional Service Agreements for On-Going Miscellaneous Professional Services for Environmental Assessments and Marine Engineering
Professional Service Agreements (PSA) pursuant to the Request for Qualifications 11-03-PW for On-Going Miscellaneous Professional Services for Environmental Assessments and Marine Engineering with Coastal Engineering Consultants, Hans Wilson & Associates, HAS Engineers & Scientists, Johnson Engineering, Tetra Tech, Inc., and Turrell, Hall & Associates and authorize the Town Manager to execute the Agreements for a three year term expiring on December 31, 2014 with the ability to renew for two additional years.

C. Approval of Application for WCIND Funding for Marine Law Enforcement and Mooring Field Maintenance
Staff to prepare and submit funding applications to the West Coast Inland Navigational District for marine law enforcement and mooring field operations and maintenance for Fiscal Year 2012/2013.

MOTION: Motion by Council Member Kosinski to approve the Consent Agenda; second by Council Member List.

VOTE: Motion approved, 5-0.

XII. PUBLIC HEARING

A. Introduction and First Public Hearing, Ordinance 12-03, Amendment to the LDC for Consumption on Premises in the EC Zone

Mayor Kiker opened the Public Hearing at 9:25 a.m. and announced the second Public Hearing on this matter was scheduled for April 1, 2012 at 6:30 p.m.

Town Clerk Mayher read the title of the Ordinance:
AN ORDINANCE AMENDING CHAPTER 34, ARTICLE III, DIVISION 4 IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, "CONVENTIONAL ZONNG DISTRICTS" AMENDING SECTION 34-652, "EC (ENVIRONMENTALLY CRITICAL) ZONING DISTRICT" BY ADDING "EXPANSION OF AREA DESIGNATED FOR SERVICE OF ALCOHOLIC BENEVERAGES" AS PERMITTED USE; AMENDING CHAPTER 34, ARTICLE IV, DIVISION 5 IN THE TOWN OF FORT MYERS BEACH LAND DEVELOPMENT CODE, "ALCOHOLIC BEVERAGES", AMENDING SECTION 34-1261, DEFINITIONS: AMENDING SECTION 34-1264, "SALE OR SERVICE FOR ON-PREMISES CONSUMPTION" BY ADDING REGULATIONS GOVERNING THE EXPANSION OF ON-PREMISES CONSUMPTION INTO THE EC ZONING DISTRICT; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

Town Manager Stewart explained the issue began in 2008, and the matter had been discussed at a number of public hearings with the LPA who in turn voted on the topic and had made recommendations to the Town Council. He noted that staff had provided the public in the audience with copies of 'Frequently Asked Questions' about COP.

Community Development Director Fluegel using a PowerPoint presentation gave staff's report on *COP in EC Zoning District*. He began with a review of a "Glossary of Terms (i.e. COP – Consumption on Premises, EC – Environmentally Critical Zoning District, 1978 CCCL – 1978 Coastal Construction Control Line). He discussed the pre- and post-incorporation EC Zoning Maps. He briefly noted the COP timelines and information included in his presentation:

- Based upon Town Council's rejection of the LPA Resolution, staff initiated an on-going dialogue with the LPA in January 2011.
- From January through May 2011 staff conducted observations of COP in EC and commenced preliminary research.
- Staff initially identified 9 establishments with COP in EC.
- In June staff embarked upon a comprehensive study of COP in EC.
- Staff presented the COP in EC Report to the LPA in October 2011.
- Staff presented a draft outline of an approach to regulating COP in EC in November 2011.
- Staff presented the ordinance to LPA in January 2012.
- The Town and County (prior to incorporation) had a history of approving COP in EC on a case-by-case basis with no regulatory framework.
- No Special Exception for COP in EC has ever been denied by prior Town Councils.
- Special Exception has been the preferred method of approval, with 7 of 12 being approved by Special Exception.
- COPs are concentrated in the Downtown District.

- Outside of Downtown District, 4 of 5 COPs are at resorts.
- 7 of 12 were approved for COP directly upon the sand beach.
- 6 have no restrictions on outdoor entertainment.
- 6 are located at resorts.

He reported how staff reviewed all available Town Council and LPA minutes from incorporation of the Town through creation of the EC Zoning District and Chapter 34 in 2003; the number of historic approvals of COP in EC by prior Town Councils suggested that COP in REC was deemed a permissible use; and how the REC Future Land Use category appeared to have been primarily intended as a means of effectively restricting densities along the beach by eliminating density seaward of the 1978 CCCL. He reviewed the difference between two maps displayed – "*COP in EC Zoning District Inventory*". Director Fluegel discussed in detail the data entitled "COP in EC Summary" which listed the 18 establishments identified by staff with COP adjacent to EC (inventory list). He summarized the conclusions of the COP Report as it pertained to existing establishments and compliance, the current lack of consistency regarding approval methods, hours of operation, entertainment, terms, dominion and control, and how staff recommended that an appropriate regulatory framework be established. He also reviewed a proposed administrative approval process for existing and new establishments in the EC, and conditions of standard approval.

Town Attorney Miller pointed out that typically the CPD Zoning was governed by the terms of the ordinance or resolution adopting that zoning.

Mayor Kiker explained for the public how Council now had a report from staff and the Town Attorney, and the next step would be for the Council to call on staff for clarification, and they would also call on the LPA; and then the Council would take public input and then go into discussion.

Council Member Kosinski asked if the ordinance was not adopted, would the establishments that were already permitted to have COP outside the EC continue to operate.

Community Development Director Fluegel responded in the affirmative. He added that there would be no requirement for them to come into compliance; however, there were incentives in the proposed ordinance for the business to come into compliance through the administrative approval process. He noted that if they did not come into compliance the business would then become 'existing non-conforming'.

Vice Mayor Raymond questioned locations outside the 'downtown'.

Community Development Director Fluegel reported that it would only be allowed if it was a guest resort with 100 units or more and by CPD rezoning, versus today where any establishment could come through the process and request a special exception.

Discussion was held regarding dimensions or maximum area suggested in the proposed ordinance.

Mayor Kiker asked if the LPA had any comments at this time.

LPA Member Kakatsch had no comment.

Bill Freeman, resident, discussed his support of the proposed ordinance which he felt would create consistency. He hoped the Council would decide to move the item forward because he believed it would enhance the beach.

Jeannette Swensen, resident, discussed the basis for her opposition to the proposed ordinance which included but was not limited to the expansion of drinking and bars.

Bonnie Ennis, resident, stated she was not in favor of the proposed ordinance.

Doris Grant, resident, reported she was not in favor of COP or alcohol sales and consumption on the beach. She discussed the reasons why she opposed the proposed ordinance. She stated she wanted to keep it a clean and decent island.

Raymond Donovan, resident, stated he moved to Fort Myers Beach 38 years ago and discussed how things had changed since then. He discussed the reasons for his support of the proposed ordinance and hoped the Council approved it.

Chuck Bodenhaefer, resident, requested the Council approve the proposed ordinance and noted without the ordinance the Town had no controls or uniformity. He noted his belief that if the ordinance was adopted it would help to assist the police with their enforcement.

Michael Short, resident, stated he could not see any justification for allowing more hotels or restaurants to serve alcohol on the public beaches. He recounted his discussion with a person on the beach who was drinking an alcoholic beverage served to her from a restaurant that was not in close proximity to where the person was sitting. He also discussed his experience with litter left on the beach after St. Patrick's Day.

Tom Babcock, resident, noted he had submitted a document with his thoughts on LDC changes for the COP in the EC Zone along with four photographs. He discussed historical actions regarding COP over the years, and his thoughts regulating COP in the EC and in other areas than the EC.

Frank Schilling, resident, stated people did not want to see major expansion of businesses on the beach. He discussed the basis for his opposition to the proposed ordinance.

Pat Smith, resident, reported she viewed the information concerning COP posted on the Town's website and her opinion regarding the information listed on the website and why she opposed the proposed ordinance.

Gertraud Short, resident, discussed her opinion of the purpose of the beach as it pertained to residents and visitors; and how she believed if the ordinance was approved how then the expansion onto the beach would create an impediment for people walking the beach. She asked that Council not approve the proposed ordinance.

Garr Reynolds, resident, discussed his opposition to the proposed ordinance. He discussed historical details regarding COP prior to the incorporation of the Town, as well as after incorporation. He suggested the matter of COP be placed on a referendum for the residents to vote on the matter.

Tim Miller, resident and co-owner of the Beach Pub, addressed the requirement in the proposed ordinance that dealt with having the business establishment's name on the cups. He stated that not all of the trash left on the beach came from the businesses rather some of it was from visitors who came with their own coolers and drinks. He stated that labeling the cups was not the solution. He discussed the increased cost of labeling cups for small businesses such as his (i.e. plain cups cost .04 cents per cup, while labeling cups would cost .33 cents per cup).

Bill Van Duzer, resident, stated he was an original member of the LPA who opposed the COP; and when he served as Mayor his message did not change. He discussed how during the past year the LPA had discussed the COP and his recommendations to the LPA about the matter. He explained the basis for his recent resignation from the LPA.

Anita Cereceda, resident, addressed Mr. Van Duzer's comments concerning his resignation from the LPA. She stated that the proposed ordinance was one of the worst pieces of legislation to be placed before a Council in the Town's history. She claimed that the Town was incorporated for one reason which was zoning, and that it was not the Council's responsibility to create a 'level playing field' for businesses. She stated she believed it was a bad idea to allow any expansion into what was or perceived to be the public beach.

Robert Young, resident, discussed his opposition to the proposed ordinance, and noted his concerns as it related the expansion of COP into an environmentally sensitive and recreational area. He believed the residents preferred 'turtles to booze on the beach'. He stated the beach was the Town's greatest asset and it needed to be protected.

John Kakatsch, resident, stated he would like to see the Town maintain the 'family' aspect of the island. He reported he believed the enforcement aspect of the COP would be tough to control. He suggested putting the matter on a referendum for a vote.

Tom Merrill, resident, questioned what the Town was trying to promote – wide open beaches. He discussed his concerns with the expansion of COP; and mentioned that South Beach was having problems with COP and was re-evaluating the issue.

Lucinda Keller, resident, explained her belief that she would like to see the older residents of the Town live out their lives in peace and quiet and be able to pursue happiness.

John Albion, Fort Myers Beach Chamber of Commerce, stated that the Chamber's Board of Directors had not taken an official position on this matter. He discussed the catalyst for incorporation of the Town with respect to the Diamond Head Resort; his belief that there was not a regulatory framework that dealt with the COP issue; and he suggested the Town talk with the business owners in the Times Square area to see what they would like regarding the matter. He reviewed his opinion regarding the need for predictability and consistency with respect to opening and operating a business in the Town. He

discussed his opinion regarding potential problems with ropes and posts, labeling the plastic cups, and potential liability problems. He suggested the ordinance include an appeal process to the Council if an application was denied in the administrative process.

Eric O'Gilvie, co-owner of Wicked Wings, noted his respect for changes but the items proposed and highlighted as it pertained to areas to be identified by ropes and posts did not appear to be a liability issue. He explained that the people who migrated down to the water with a bottle or can were people who brought drinks in their own cooler. He mentioned the significant amount of taxes paid by the establishments in question. He asked Council to give due consideration to the businesses who wanted to expand their businesses.

Gerry Hanson, resident, stated he wholeheartedly supported the COP and applauded the Council for whatever they do on this matter.

Walter Simmons, co-owner of Wicked Wings, explained that the trash on the beach was not coming from the bars, rather from the people bringing their own items. He suggested an approval process for new bars that wanted to open. He noted that his business was located between two businesses that had COP and he would very much like to be able to do the same.

Neil VanVleet, manager of Junkanoo's on the Beach, noted if the ordinance was approved, that it was the responsibility of the businesses to control the drinking on the beach, pick up the litter, and to not serve underage patrons because they had to protect their license. He discussed his belief that if the ordinance was adopted that it would create more control not less.

Annie Babcock, resident, suggested a referendum on the COP. She discussed the historical approval of COP with respect to decks and the sand; the environmentally sensitive beach (i.e. sea turtles); the various time of sunset throughout the year; and potential problems with ropes and post for the sea turtles;

Recess at 11:00 a.m. – Reconvened at 11:20 a.m.

Captain Powell, LCSO, reported that the LCSO enforcement would continue to be steadfast.

Council Member List asked if it was the perception of the LCSO that there was drinking on the beach that had nothing to do with the businesses on the beach.

Captain Powell stated there were two separate issues and explained that the businesses that spoke today do patrol and work to control their COP.

Mayor Kiker questioned Captain Powell on the rope and post system.

Captain Powell explained he liked that idea because it gave a clearly defined area for the businesses to maintain, and it designated the area for the customers. He noted that he liked the recommendation for labeling the cups with the business name.

Council Member List discussed her experiences and views regarding intoxicated people and noted that the people she encountered did not come from the establishments on the beach. She stated she was not interested in the matter due to revenues rather she was interested in the imbalance that was granted to businesses to serve on the beach and that they all had different sets of rules and regulations. She noted the costs that would be incurred if it was decided to monitor each beach access point for coolers and trash. She explained that the proposed ordinance would help to regulate the privilege of serving alcohol on the beach.

Vice Mayor Raymond explained how he had suggested doing the COP in the downtown district; he could not support taking COP away from business that already were granted it; and stated he would not approve one more establishment out of the downtown district. He reported that at this time he would like to see it in the downtown district, and everything outside of the downtown district, if it was not an established COP permitted place now, that no more could be added.

Council Member Kosinski complimented the staff for doing an excellent job on the matter. He noted the ordinance had been around for more than 10 years and it needed to be determined. He questioned if there was an appeal process in the proposed ordinance.

Town Manager Stewart stated there was an appeal process for administrative decisions, and they could appeal to the Town Council.

Council Member Mandel pointed out that the proposed ordinance dealt with the establishments that already had certain rights to serve alcohol on the beach side of Estero Boulevard. He questioned the proposed COP area dimensions. He addressed the concerns raised over the possible inability to walk the beach and noted how the proposed ordinance would help to change that problem.

Mayor Kiker pointed out that the Council had conducted Work Sessions on the COP where they reviewed the proposed ordinance in depth. Mayor Kiker asked the status of the LPA minutes as part of the package.

Town Manager Stewart explained that today was to determine if the matter would go forward, and if so, then the LPA minutes would be included as part of the packet.

Mayor Kiker addressed comments regarding the use of a referendum on the matter, and explained that last year there was a referendum on the ballot at the State level which asked if land use matters should go to referendum and it was turned down by the voters. He questioned if the area dimension was specified in the proposed ordinance

Community Development Director Fluegel explained there was the dimension of the "1/3 of the distance out up to the maximum of 100 feet". He noted that Council Member Mandel had also suggested including a square footage limit, and staff would include that as one of the choices.

Mayor Kiker questioned the liability issues raised.

Town Attorney Miller explained that the Town had sovereign immunity and if the ordinance was adopted it would not create a liability on the Town.

Discussion was held regarding using square feet as an area dimension.

MOTION: Motion by Council Member Mandel to introduce the Ordinance 12-03, amendment to LDC Section 34-1264, and set a Final Public Hearing date for April 16, 2012 at 6:30 p.m.; second by Council Member Kosinski.

VOTE: Motion approved, 5-0.

Public Hearing closed at 11:48 a.m.

XIII. PUBLIC COMMENT

Public Comment opened.

Doris Grant, resident, stated that a prior Mayor called Crescent Street a 'derelict' area, and she agreed. She reported the residents try very hard to keep it 'polished'. She described problems with the appearance of the Helmerich parking lot and the empty lot across the street. She asked that Council address these problems.

Public Comment closed.

Council Member List reported that the County, the Town of Fort Myers Beach, the Fort Myers Beach Art Association, and the Alliance of the Arts, and some of the Beach Elementary School students were banding together to create artwork that could be hung on the fence around the Seafarer's property.

Mayor Kiker noted that the Town was still awaiting the County to submit permitting for the Seafarer's property; and added that the Town had made the County Commissioners and staff aware of the Town's concerns.

Town Manager Stewart remarked that the Town staff and Town Attorney had made known to the County staff and Attorney their concerns.

XIV. TOWN MANAGER'S ITEMS

Town Manager Stewart reported that Finance Director Wicks had been working to update the Town's Personnel Rules and Regulations in an effort to eliminate any inconsistencies and gaps. He noted that the updated Rules and Regulations would be fully vetted internally, and through the Town Attorney, and then come before Council for final approval. He discussed how in order to move forward with the potable water system improvements that the Town would need a rate study. He announced that staff would bring a recommendation to Council on which firm to select for the rate study.

Mayor Kiker asked if the Town Manager could comment on the southern end of the beach where there was beach erosion.

Town Manager Stewart noted the Mayor was referring to the matter at the Leonardo Arms that was experiencing tidal action that had cut the beach close to the condominium. He explained staff was working with the condominium and the DEP on the protective measures they were taking which included the condominium's hiring of a coastal engineer who was working on both short-term and long-term protective measures.

Mayor Kiker asked for the status of dredging at Laguna Shores.

Town Manager Stewart reported staff had located some potential sites to use for the dredged material and believed that the agreement needed in order to use the sites would be finalized soon. He noted the Town was awaiting the final approvals from the Army Corps of Engineers who in turn was waiting for a response from the US Fish and Wildlife Service. He encouraged the Council to communicate with their State Senators and US Congress regarding the matter.

Consensus was to approve the Council send the letters recommended by the Town Manager who would assist with preparing the appropriate communication.

Mayor Kiker reminded the Town Manager of the October funding deadline for the dredge project.

Council Member Mandel asked if staff would have a report on parking at the Mound House at the next meeting.

Town Manager Stewart responded in the affirmative.

XV. TOWN ATTORNEY'S ITEMS

Town Attorney Miller reported she would send a letter out this week regarding the matter on Mango Street. She stated she hit a dead end regarding the CRA information dated 2001, and she would be working to get information from the Tax Collector regarding tax increment. She hoped to be able to give Council a full report at the next meeting.

Mayor Kiker questioned the status of the Estero Boulevard ILA.

Town Attorney Miller reported that she was working on it and estimated May 7th as a date for the topic.

XVI. COUNCILMEMBER ITEMS AND REPORTS

Council Member Mandel - reported Mr. Helmerich contacted him since the last meeting indicating he and the other property owners were still reviewing matters.

Council Member Kosinski – no items to report.

Vice Mayor Raymond – no items to report.

Council Member List – no items to report.

Mayor Kiker – questioned why the MPO was doing a survey.

Vice Mayor Raymond explained the MPO was trying to find out if people had problems with the roads, and the findings would be discussed at the MPO. He stated he was going to discuss this with Public Works Director Lewis and would suggest the inclusion of Estero Boulevard.

Mayor Kiker – reported last week he attended a meeting on behalf of Council with VOICE, along with the LCSO, and presented them with a check for $2,000 from the Town. He added that the group had increased their coverage for directing traffic this year. He reported he and Council attended the "Grady White Day" event. He commented that he and the Town Manager attended the meeting concerning airport traffic; and that he would like to write another article on what happened (i.e. doubling the elevation for the planes coming over the beach, re-routing air traffic). Lastly, he called attention to the upcoming ribbon-cutting ceremony for the Beach Renourishment Project.

XVII. AGENDA MANGEMENT

Town Manager Stewart announced that the Work Session for this afternoon was cancelled and the subject matter was moved to the next meeting. He reported at the April 16th meeting there would be the review of the special events ordinance and the lien reduction process.

Council Member List stated she had received public interest to review the short-term rental ordinance again that was passed a few years ago.

Vice Mayor Raymond agreed with the request to place the item on Agenda Management.

Town Manager Stewart explained that there had been a few versions of the topic and Council had declined to move it forward.

Discussion ensued regarding review of Chapter 34.

Town Attorney Miller reported how the Legislature adopted a State Statute that left what was currently on the books but no new regulations about short-term rentals could be adopted nor could there be changes to current regulations. She noted that portions could be repealed, but portions could not be amended.

Mayor Kiker explained that when the Council prioritized the list and set schedules that Council Member List would have to lobby to move it up.

Council Member Mandel questioned the review of the performance evaluation for the Town Manager.

Vice Mayor Raymond agreed to place the matter on Agenda Management.

Discussion was held concerning the document used in the past for a performance evaluation of the Town Manager; and consensus was to place the item on the next Work Session agenda.

Mayor Kiker requested the noise ordinance discussion to be moved to the same date as the sign ordinance.

XVIII. RECAP OF ACTION ITEMS

Town Manager Stewart recapped the Action Items added during the meeting:

- Staff would notify the various outside agencies and internal committees and boards of the Council assigned as liaison
- Staff would process the approved Consent Agenda items accordingly
- Staff currently had the property owner of the parking lot noted by Ms. Grant under violation notice through Code Enforcement
- Staff would add the various items noted by Council to the Agenda Management
- Staff would forward to Council prior to the meeting on the Mound House a report on the parking
- Staff would prepare the letter regarding Laguna Shores to the US Senators and Congress

Vice Mayor Raymond questioned the date for the next budget session, and the status of the reports on Bay Oaks.

Town Manager Stewart stated there was a budget meeting scheduled and he would forward the date to the Council.

Vice Mayor Raymond stated he was still awaiting information regarding Bay Oaks programming, operating costs, and the number of 'postal' Fort Myers Beach users.

XIX. ADJOURNMENT

Motion by Council Member Mandel, seconded Vice Mayor Raymond to adjourn. Meeting adjourned at 12:18 p.m.

Adopted May 7, 2012 With/Without changes. Motion by Kosinski/List

Vote: 5-0

Michelle D. Mayher, Town Clerk

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Beach