MINUTES

Monday, June 4, 2012

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

I. CALL TO ORDER

Mayor Kiker called to order the June 4, 2012 Work Session of the Town Council 2:00 p.m. Present along with Mayor Kiker: Vice Mayor Raymond, Council Members Kosinski, List, and Mandel. Also Present: Town Manager Stewart, Town Attorney Humphrey, Community Development Director Fluegel, and Town Clerk Mayher.

II. PLEDGE OF ALLEGIANCE

Mayor Kiker noted at the Regular Council Meeting earlier today that the C.O.P. Task Force Discussion item was awaiting a response from the Town Attorney to learn if she received an opinion from the Ethics Commission as to whether the Council could review the information submitted by the Task Force and visit sites.

Town Attorney Humphrey reported the opinion had not been received.

Mayor Kiker withdrew the C.O.P. Task Force Discussion from the agenda.

III. DISCUSSION ON SEAFAER'S PROPERTY

Town Attorney Humphrey reviewed the latest events surrounding the Seafarer's property which included but was not limited to the meeting with the County Commissioner where Mayor Kiker, Town Attorneys Humphrey and Miller, the Chair of the Board, the County Attorney, the County Deputy Attorney, another attorney, the County Manager, the County Deputy Administrator, and others were also in attendance. He explained how the meeting reviewed aspects of disposition, acquisition, and demolition of the subject property; how the subject property appeared to under the jurisdiction of Fort Myers Beach; and the potential sale of the property for $900,000 plus the demolition cost of

approximately $66-68,000. He noted he had been working along with Council Mandel who was the Council's liaison on the matter. He discussed aspects of an appraisal and value methods of an appraisal. He explained if the Town desired, they should make a formal action to request the County to place the sale of the property on their agenda for a formal resolution to set a purchase price and method of payment. He stated he suggested to the Town Manager to have a meeting with the appraiser.

Vice Mayor Raymond asked if the Town had received any information from their appraiser.

Town Manager Stewart responded in the negative; and added that he did not expect to receive a completed appraisal for at least another week, or more. He stated he would inquire with the appraiser regarding the timeline and report back to Council.

Council Member Kosinski discussed his concerns regarding the acquisition of the subject property and noted the cost for acquisition and temporary conversion. He questioned if the subject property would help with the parking problem and noted how the property pertained to the upcoming improvements to Estero Boulevard.

Vice Mayor Raymond expressed his agreement with Council Member Kosinski. He explained that he believed the site was good for a public/private project; however, he felt the Town did not need to own any of the site. He reported that he would like to see the best use as it related to traffic and redevelopment of the site, as well as future taxes. He noted that he did not want to see a parking lot on the subject property.

Council Member List asked if there had been any serious inquiries by developers about the subject site to do a public/private partnership.

Council Member Mandel reported he had received two phone calls from people who told him they represented a developer. He discussed his opinion concerning development that would mitigate the traffic problem and was the highest and best use of the property; and was in the best interest of all the stakeholders.

Council Member List suggested looking again at designs that were created about 7-8 years ago on the subject property; and that the Council needed to decide on a clear vision for the site.

Mayor Kiker recounted his understanding of the circumstances at the time the County had acquired the subject property; how the Town had originally been interested in the property to help fix a traffic problem; his prior discussions with the BOCC regarding the Seafarer's site; and noted the property has sat for over a year and no permitting has been done. He continued to review the background on the events and circumstances regarding the Seafarer's such as but not limited to Council's direction to 'draw a circle around the area'; and some of the factors of the properties surrounding the Seafarer's; and density rights of the Crescent Beach property. He noted his concern regarding the purchase of the Seafarer's site by the Town at the present time, especially since the Town had not received back the appraisals and sat down and spoke with the other area property owners.

Discussion ensued regarding the 'circle for the CRA'.

Town Attorney Humphrey recounted his interpretation and assessment of the prior events and discussions regarding the Seafarer's site as it pertain to the Council and the BOCC.

Discussion was held regarding interlocal agreements with the County; the need for the Town to be a part of the any decision-making discussion that impacted the Town; the importance of the Town to be viewed as a stakeholder by the County; and how the Town might work with developers on the subject site (i.e. permitting).

Town Manager Stewart asked if the County could do service parking at the subject property for a temporary use and would the Town be able to have a 'sunset' use on the property.

Community Development Director Fluegel noted the development order on the site had expired, and suggested the Town could do a commercial planned development zoning with a development agreement to contemplate phasing; and that the appraisal was only good for phase one with a certain number of years as the lifespan; and at the end of the lifespan a full development order would be required.

Town Manager Stewart noted comments during Public Input at a previous Council meeting where one of the speakers noted the subject property should be a high end, mixed-use, commercial planned development.

Discussion ensued regarding the need for the Town to have a strategy regarding the subject property; the Town having control of what happens to them; and reviewing the scenarios for the subject site that was drawn up several years ago.

Council Member Mandel was excused at approximately 3:00 p.m.

Discussion continued regarding the Town taking control of the situation.

Town Attorney Humphrey explained how there were limitations to what one governmental body could expect of another governmental body; and he discussed an example of a similar type of situation that happened to Fort Myers.

Discussion ensued regarding public/private/joint ventures, a visioning process, community redevelopment areas and downtown redevelopment areas (CRAs and DRAs); and the strategic elements of the Seafarer's property as it related to potentially solving a traffic issue and as a commercial property.

Town Manager Stewart suggested the use of a planning consultant to update the previous work that had been accomplished several years ago on visioning of the site. He asked for Council's acknowledgement that staff could begin to assemble qualifications for an RFQ for a consultant.

Discussion was held concerning the use of a planning consultant.

Mayor Kiker recapped the highlights of today's discussion which was that staff would continue to work on obtaining the appraisals; staff would research the RFQ process, and staff would look at what work

was done in the past and put it together in a package; the Town did not have to approach the BOCC for an offer at this time; the proper place to start on the Estero Boulevard rehab was past the Lani Kai; and the need for the Town to keep in touch with the County.

Consensus was that the Mayor, Town Manager, and Town Attorney together would meet with each Commissioner on the Seafarer' issue.

Mayor Kiker proposed that all future agendas come from the Mayor's email before finalization.

Consensus agreed to the Mayor's request.

IV. C.O.P. TASK FORCE DISCUSSION

Item was withdrawn.

V. ADJOURNMENT

Meeting adjourned at 3:25 p.m.

Adopted 8-6-12 With/Without changes. Motion by List / Kasenski

Vote: 5-0

Michelle D. Mayher, Town Clerk

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