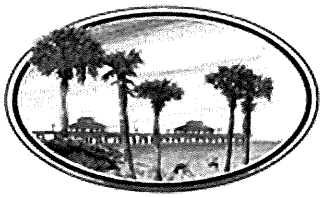

MINUTES

Monday, November 5, 2012

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

I. CALL TO ORDER

Mayor Raymond called to order the November 5, 2012 Regular Meeting of the Town Council at 9:00 a.m. Present along with Mayor Raymond: Vice Mayor Mandel, Council Members Andre, Kosinski, and List. 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. Lorrie Davison

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF FINAL AGENDA

Consensus approved the Agenda as presented.

V. PUBLIC COMMENT

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

Public Comment opened.

Eddie Foster, resident, stated she was an affected rate-payer as it pertained to the proposed potable water increase and noted her displeasure with the $50 monthly rate charged by Beach Water whether she was living in her home or not (seasonal rates).

Public Comment closed.

VI. IMAGE OF FORT MYERS BEACH

Council Member List discussed the Autism event that had been held in Crescent Beach Park on Saturday.

Mayor Raymond noted the event at the Barbara B. Mann Performing Arts Center where the Town Manager had performed.

VII. LOCAL ACHIEVEMENTS AND RECOGNITIONS

Vice Mayor Mandel commented on the successful 'Monofilament Madness Event' held this past weekend and thanked the Town staff, volunteers, and sponsors of the event. He also thanked Council Member Andre and his wife for their fund raising event held on Saturday.

VIII. ADVISORY COMMITTEES ITEMS AND REPORTS

No speakers.

IX. APPROVAL OF MINUTES

A. October 1, 2012 Town Council Meeting

MOTION: Council Member Kosinski moved to approve the minutes of as presented; second by Council Member List.

VOTE: Motion approved, 5-0.

X. CONSENT AGENDA

A. 12-25, Resolution Calling for Election, March 12, 2013
A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CALLING FOR ELECTION; QUALIFYING, APPLICABLE LAW; POLLING PLACES, NOTICE; CANVASSING; DECLARATION AND PROVIDING AN EFFECTIVE DATE.

B. Discussion regarding request from City of Sanibel, Citizen Education Program
A request for approval of Town participation with other Lee County cities and Lee County government in a campaign to educate the public on the connection between excessive fertilizer use in commercial and urban landscapes including its resulting impact on our coastal water quality and economy.

MOTION: Council Member Kosinski moved to approve Consent Agenda Item A and Item B; second by Council Member List.

VOTE: Motion approved, 5-0.

XII. PUBLIC HEARINGS

A. Quasi-Judicial Hearing: VAR2012-0001,Neptune Inn Sign Variance
Remand case VAR2012-0001, Neptune In sign variance, to the LPA to be heard at the November 13, 2012 meeting to consider the additional variance request from LDC Section 30-93(b)(right-of-way setback) to allow a 9' setback and continue the Town Council public hearing to the December 3, 2012 Town Council meeting.

Mayor Raymond opened the Public Hearing for VAR2012-0001, Neptune Inn Sign Variance.

Mayor Raymond asked if any Council Member had ex-parte communication regarding this item. Vice Mayor Mandel – none; Council Member Andre – site visit; Council Member List – none; Council Member Kosinski – met with owner; Mayor Raymond – none.

Town Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2012-0001 Neptune Inn sign variance on behalf of the Town of Fort Myers Beach. She noted that the request was heard by the Town Council at their October 1, 2012 meeting and at that time Council decided to continue the case to November 5, 2012 so the applicant could meet with staff to review options for signage and provide additional detail and analysis. She reported that staff met with the applicant on-site on October 2nd to further discuss the case and the applicant submitted a revised application on October 22nd which modified the request for a variance from 30-154(c), which limited the height of a monument sign to be elevated no more than 18" above grade and 5' overall to allow 2'6" for the monument base and an overall height of 6'. Also included was a new request for a variance from Section 30-93(b), which required a 3' setback from any street right-of-way to allow a 0' street setback; and she noted this new request had not been heard at the LPA meeting in August. She added that the Town Attorney had opined that the additional setback variance request would require advertising and a public hearing in front of the LPA before it could be heard in the final hearing before Council.

Town Attorney Miller explained the Council could make a motion to remand VAR2012-0001 back to the LPA.

MOTION: Council Member List moved to remand Case VAR2012-0001, Neptune Inn sign variance, to the LPA to be heard at the November 13, 2012 meeting to consider the additional variance request from LDC Section 30-93(b)(right-of-way setback) to allow a 0' setback; and continue the Town Council public hearing to the December 3, 2012 Town Council meeting; second by Council Member Kosinski.

VOTE: Motion approved; 5-0.

B. Quasi-Judicial Hearing: VAR2012-0002, Dolphin Inn Sign Variance
Request to approve sign variance for Dolphin Inn from LDC Section 30-93(b)(right-of-way setback) to allow a 0' setback.

Mayor Raymond opened the Public Hearing for VAR2012-0002, Dolphin Inn Sign Variance.

Mayor Raymond asked if any Council Member had ex-parte communication regarding this item. Vice Mayor Mandel – met with owner; Council Member Andre – met with owner; Council Member List – met with owner; Council Member Kosinski – met with owner; Mayor Raymond – met with owner.

Town Attorney Miller swore in the witnesses.

Zoning Coordinator Chapman presented comments for VAR2012-0002 Dolphin Inn sign variance on behalf of the Town of Fort Myers Beach. She noted that the request was heard by the Town Council at their October 1, 2012 meeting and at that time Council decided to continue the case to November 5, 2012 in order to allow the applicant, with the assistance of staff, to provide additional detail and analysis. She noted the request was for a variance which dealt with the setback and the height of the monument sign; and displayed an artist's rendering of the proposed sign. She briefly reviewed the existing conditions of the subject property. She reported she met with the applicant on-site on October 12th to further discuss the request and the applicant submitted a revised application on October 22nd. She displayed various photographs of the current sign, site conditions, and indicated on a projected photograph the various heights suggested and requested for the monument sign (i.e. at 5', 6' and 9'). She reviewed the supporting regulations that pertained to the variance request and noted that "*that there are exceptional or extraordinary conditions or circumstances that are inherent to the property in question or that the request is for a de minimis variance under circumstances or conditions where rigid compliance is no essential to protect public policy*; and added that staff recommended approval of the requested setback variance and denial of the requested height variance and that the 6'6" recommended overall sign height was the minimum variance given the site conditions

Mr. Travis Owen, Applicant - Dolphin Inn, thanked the Council for taking the time to make a site visit. He explained his belief that their property was unique and met the criteria to request the variance they had asked for in the application. He reviewed the basis for his request for a height allowance of 9'.

Mayor Raymond asked if there was a member from the LPA present for comments.

LPA Member not present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

Council Member Andre reviewed how after his site visit he had examined how many other businesses had similar problems with parking on either side of their monument sign and yet they were in compliance. He discussed his concerns with setting precedent if a 9' overall height was approved.

Council Member List noted that the subject business was '*way back*' off the road and that she agreed with the property owner for the request of 9' in this particular instance.

Vice Mayor Mandel pointed out the importance of minimal variances; however, he discussed how wide Estero Boulevard was at this section of the road, and suggested that the owner and staff should possibly discuss with the County why the owner could not have 6' into the right-of-way. He also pointed out that staff had mentioned in the past the possibility of placing the signage on the building. He expressed his desire to see these two potential options investigated before granting a variance.

Discussion was held concerning the current location of the sign on the subject property and visibility by vehicles.

Town Manager Stewart explained for the benefit of the public the difference between the Dolphin Inn variance request and why the Neptune variance request had to be remanded back to the LPA as it pertained to advertising requirements. He noted that he did not suggest the Town recommend to the applicant that they contact the County regarding relocation of the sign.

Vice Mayor Mandel discussed how he would like to see the applicant have a sign that was visible from the road and in compliance with the Town's code.

Mayor Raymond noted how larger vehicles such as but not limited to an SUV would cover most of the signage. He reviewed how the Council had approved other variance such as but not limited to Diamond Head and Pink Shell due to extenuating circumstances and discussed his belief that the applicant also had extenuating circumstances.

MOTION: Council Member Kosinski moved to approve the request for a sign variance for the Dolphin Inn from LDC Section 30-93(b)(right-of-way) to allow a 0' setback and to approve the request for a sign variance for the Dolphin Inn from LDC 30-154(c) (standards for monument signs) for a base height of 2'10" and overall height of 9'; and based upon the presentations by the applicant, staff, and other interested persons at the hearing, and review of the application, LPA Resolution 2012-010 and the standards for granting variances, the Town Council makes the following findings of fact, and reaches the following conclusions:

- The Town Council approves the applicant's request for a variance form Section 30-93(b) to allow a 0' setback from the property line of the subject property; and
- The Town Council approves the applicant's request for a variance from Section 30-154(c) of the LDC to permit a 2'10" tall sign base and an overall sign height of 9', measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements, with the approval subject to the following conditions:

Conditions of Approval:

1. Approval of this variance does not exempt the subject property from the LDC Section 30-55 permit requirements for signs.
2. Construction and/or remodeling of the sign must comply with all applicable codes and regulations, including building codes and lighting standards.

3. The height of the sign, as measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, to the highest point of the sign face or its supporting structural elements is not to exceed 9'.
4. The sign base as measured from the highest adjacent grade or the crown of the adjacent street, whichever is higher, is not to exceed 2' 10" in height.
5. If the principal building on the subject property is removed or replaced for any reason, this variance will expire. The sign allowed by this variance must be removed within 30 days of the issuance of any demolition permit for the principal building. If the building is destroyed or damaged by a natural disaster to the extent that it is rendered uninhabitable, then the sign must be removed within 30 days of the issuance of a demolition permit or within 30 days of the expiration of the federal, state, county, or local declaration of disaster, whichever occurs first. Placement of signage in conjunction with redevelopment of the site must comply with all regulations in effect at the time of application for a permit.

Findings and Conclusions:

A. There are exceptional or extraordinary conditions or circumstances that are inherent to the property in question, and the request is for a *de minimis* variance under circumstances or conditions where rigid compliance is not essential to protect public policy.
B. The conditions justifying the variance are not the result of actions of the applicant taken after the adoption of the regulation in question.
C. The variance granted is the minimum variance that will relieve the applicant of an unreasonable burden caused by the application of the regulation to the property in question.
D. The granting of the variance will not be injurious to the neighborhood or otherwise detrimental to the public welfare.
E. The conditions or circumstances on the specific piece of property for which the variance is sought are not of so general or recurrent a nature as to make it more reasonable and practical to amend the regulation in question;
second by Council Member List.

Town Attorney Miller recommended that instead of the measurement from the 'adjacent grade or the crown of the adjacent street' that it be measured from the 'highest adjacent grade'.

AMENDMENT: Motion maker amended the motion to reflect the recommendation by the Town Attorney; second agreed.

Town Attorney Miller explained, for the record, that the justification for the variance was because the subject property was unique which caused the right-of-way to be so far set back.

AMENDMENT: Motion maker amended the motion to reflect the recommendation by the Town Attorney; second agreed.

Discussion was held concerning the proposed variance.

VOTE: Motion approved; 3-2; Vice Mayor Mandel and Council Member Andre dissenting.

Public Hearing closed.

C. Quasi-Judicial Hearing: REZ2012-0001, 110 Mango Street Rezoning
Request to approve case #REZ2012-0001, which rezones 0.126+/- acres from Residential Multifamily (RM) to Commercial Boulevard (CB) for the property located at 110 Mango Street (AKA: Heavenly Biscuit).

Mayor Raymond opened the Public Hearing for REZ2012-0001, 110 Mango Street Rezoning.

Mayor Raymond asked if any Council Member had ex-parte communication regarding this item. Vice Mayor Mandel – none; Council Member Andre – site visit; Council Member List – has not spoken about this case; Council Member Kosinski – none; Mayor Raymond – site visit.

Town Attorney Miller swore in the witnesses.

Town Manager Stewart reviewed for the public's benefit how the case had been heard by a previous Town Council years ago which had been denied, a court action, and mediation that would allow the property owner to seek a change to the zoning. He noted at that time it had been agreed the property owner would not have to pay the fees associated with the rezoning request; however, that time limit had expired and the Council would now have to decide whether or not they would waive the fees. He explained the unusual set of circumstances surrounding the case and asked if Council would determine whether or not they would waive the fees prior to hearing the case.

Consensus agreed to waive the fees.

Planning Coordinator Overmyer presented comments for REZ2012-0001, 110 Mango Street (Heavenly Biscuit) Rezoning on behalf of the Town of Fort Myers Beach. He displayed an aerial photograph of the subject property and described the location of the site. He reported the request was for a conventional rezoning request which dated back to the Lee County zoning of C-1; and after incorporation of the Town the zoning was reclassified to Residential Multifamily (RM) which was determined by the Town in 2006 to be incorrect and an attempt to change the zoning failed. He explained the basis for staff's recommendation of the rezoning to Commercial Boulevard for the subject property; and noted that no conditions could be placed on the approval. He pointed out that the subject site was an existing non-conforming commercial use and approval would bring the property into compliance with the use. He reported the LPA heard the case on September 11, 2012 and recommended approval (6-0, 1 member was absent) from RM to CB.

Ed Czulewicz, spouse of Marylu Czulewicz – Applicant, reported he was representing his wife. He offered a brief history on the zoning and use of the subject site by his wife; and stressed his wife had used the site as commercial since the purchase. He discussed the Applicant's desire to have the property appropriately zoned CB.

Council Member Kosinski asked if "Heavenly Biscuit" was currently open and operating.

Town Manager Stewart responded in the affirmative.

Council Member Kosinski asked if the request was approved, would the current business have to go through permitting.

Town Manager Stewart noted the business was a legal non-conforming use and would not need to re-apply.

Discussion was held concerning the conventional rezoning request.

Town Manager Stewart pointed out that the current business owner had allowed a fruit stand to be operated on the subject property in opposition to the code; and rezoning would still not allow a fruit stand to be operated on the property.

Town Attorney Miller explained that the subject property had been legal at one point in time and when the zoning changed, it made the business legal non-conforming.

Mayor Raymond asked if there was a member from the LPA present for comments.

LPA Member not present for comment.

Public Comment opened.

No speakers.

Public Comment closed.

MOTION: Council Member List moved to approve Case #REZ2012-0001, a request to rezone 0.126+/- acres from Residential Multi-Family (RM) to Commercial Boulevard (CB) for the property located at 110 Mango Street (AKA: Heavenly Biscuit) and the Town of Fort Myers Beach, Florida Resolution 12-23, 110 Mango Street Rezoning with the recommended approvals – 1) approved; 2) approved; 3) approved; 4) approved; 5) approved; 6) approved; 7) approved; 8) approved; 9) approved; second by Council Member Kosinski.

VOTE: Motion approved; 5-0.

Public Hearing closed.

D. First and Final Public Hearing: Ordinance 12-08, Potable Water
AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA APPROVING AN INCREASE IN POTABLE WATER RATES FOR POTABLE WATER UTILITY CUSTOMERS OF THE TOWN OF FORT MYERS BEACH BY AN AMOUNT THAT IS EQUAL TO THE AMOUNT OF THE LEE COUNTY WHOLESALE

WATER RATE INCREASE APPROVED BY LEE COUNTY; PROVIDING AN EFFECTIVE DATE.

Town Manager Stewart explained that the proposed ordinance was due to the Lee County BOCC approving a wholesale water rate increase at a public hearing held which would result in an increase to the Town. He noted the Town did not produce their drinking water and had to purchase it in bulk from the County.

Council Member List noted the comments by Ms. Foster questioning why there were not seasonal residential water rates similar to the seasonal rates offered by the electric, telephone and cable companies.

Public Works Director Lewis explained that residents who were seasonal could opt to have their water turned off when they were absent, and there was a fee for Beach Water to go to the residence and turn off the water. However, there was a base facility rate each month whether the residence was occupied or not in order to have a readily available service.

Town Manager Stewart reviewed the reason for having a base rate.

Vice Mayor Mandel pointed out that the Town was currently conducting a rate study and that seasonal rates could be one of the aspects of the water rate study results that they could review once the study was completed.

Discussion was held concerning the rate study; and how to address the base rate once the study was completed.

Public Comment opened.

Eddie Foster, resident, stated in the past she had received a vacation rate of $10 per month; and questioned what the rates would be for turning off and on the water service. She discussed her belief that the base rate of $50 per month was outrageous.

Public Comment closed.

MOTION: Council Member Andre moved to adopt Ordinance 12-08, approving the potable water rate adjustment to reflect the increase to the wholesale water rate increase being imposed by Lee County Utilities, effective November 15, 2012; second by Vice Mayor Mandel.

VOTE: Motion approved; 5-0.

Recess at 10:10 a.m. - Reconvened at 10:25 a.m.

XII. ADMINISTRATIVE AGENDA

A. Sandsculpting Special Event Permit Application

A request to approve the 26th Annual Sand Sculpting Championship scheduled for November 16-25, 2012, and lift the open container ordinance for the duration of the event with conditions.

Town Manager Stewart noted that the issue of serving alcohol and the event lasting more than three days was brought to the Council before.

Public Works Director Lewis noted the event is exactly the same as last year with a few minor changes: the event is extending their premise and would like to serve alcohol on the beach.

Public Comment opened.

Jason Camp, Event Director, explained how they served alcohol last year at the 11 day world championship last year.

Bud Kucera, representing the Chamber of Commerce, stated the template presented in this application is what they would like to use for future years.

Vice Mayor Mandel was concerned about the location of the event and if there was room for walkers to get around if it was their desire. Mr. Jason Camp, Event Director, responded that the event would be 50 feet from the mangroves; therefore, there will be enough room for walkers to pass by if they wish.

Mayor Raymond asked about the monitoring of alcohol during the event. Mr. Jason Camp, Event Director, responded there would be signs would be posted and the overall drinking area will be 400 feet less than last year.

Public Comment closed.

MOTION: Vice Mayor Mandel moved to approve the application for the event; second by Council Member List.

VOTE: Motion approved; 5-0.

B. Introduction of Ordinance 12-09, Street Performers Program

AN ORDINANCE OF THE TOWN OF FORT MYERS BEACH, FLORIDA, CREATING A NEW DIVISION VII IN CHAPTER 10 OF THE TOWN OF FORT MYERS BEACH CODE OF ORDINANCES, TO BE ENTITLED "STREET PERFORMERS," CREATING SECTION 10-190, "DEFINITIONS;" SECTION 10-191, "PROHIBITION;" SECTION 10-192, "PERFORMER'S PERMIT APPLICATION; PERMIT CONDITIONS;" SECTION 10-193, "DISPLAY OF PERMIT;" SECTION 10-194, "PERMITTED PERFORMANCES; RESTRICTIONS;" SECTION 10-195, "ACCEPTANCE OF CONTRIBUTIONS;" SECTION 10-196, "PERMIT SUSPENSION/ REVOCATION; APPEAL;" SECTION 10-197, "VIOLATION—PENALTY;" PROVIDING FOR CODIFICATION; CONFLICTS; SEVERABILITY AND AN EFFECTIVE DATE.

Town Attorney Miller explained that this ordinance was drafted due to the lack of an ordinance for the Town regarding this subject. She also stated that this ordinance was based off a few examples of similar ordinances she found while searching nationwide.

Town Manager Stewart described how before the Town used administrative procedures to deal with the subject, but had no formal ordinance. This ordinance will give the Town a formal procedure in addressing this matter.

MOTION: Council Member Kosinski moved to approve Introduction of Ordinance 12-09, Street Performers Program; second by Council Member List.

VOTE: Motion approved; 5-0.

C. 12-24, Resolution Ebtide Rezoning, San Carlos Island
Request to approve resolution 12-24, regarding proposed rezoning on San Carlos Island – Ebtide Rezoning Project, Lee County Case #DCI2009-00034

Town Manager Stewart gave a brief overview of the resolution.

Concerns were raised and discussed about potential impacts to the Town of Fort Myers Beach. Specifically, traffic and water quality were of concern to the Council.

Based on the discussion of water quality impacts, Vice Mayor Mandel suggested the resolution be altered to say "issues related to the Bay." Town Attorney Miller stated she would make the changes as recommended by the Town Council.

Mayor Raymond feels that the FDOT hasn't been involved enough and traffic impacts from this project will be immense and affect the Town.

MOTION: Vice Mayor Mandel moved to approve Resolution 12-24, Ebtide Rezoning, San Carlos Island as amended by Town Attorney Miller; second by Council Member List.

VOTE: Motion approved; 5-0.

D. Mound House Restoration Phase II, Rejection of All Bids
Request a motion to reject all bids received for ITB 12-12-PR, Mound House Restoration Phase II Project due to the base bids of all respondents exceeding the Town consultant's estimated cost, and other irregularities, and direct staff to explore other project delivery methods.

Public Works Director Lewis explained that after review of received bids, Staff feels it to be best to reject all bids.

Vice Mayor Mandel questioned whether based on the costs vs. bids received, the consultant is correct on their projected project costs. Public Works Director Lewis responded that the consultant feels confident with their cost projections.

Vice Mayor Mandel asked whether based on the $100,000 add-in, Stultz, Inc. would be within project costs and could be accepted. Public Works Director Lewis responded that based on their review, Stultz, Inc. and Maddox Construction Company were not qualified to do the project work. Ms. Lewis also stated that the only qualified firm, Wright Construction, exceeded the project budget considerably.

Discussion then ensued about what the next steps would be if all bids were rejected.
Town Attorney Miller suggested a new bid package could include a max bid amount, so that the project budget would not be exceeded.

Mayor Raymond stated that the consultant should have put in costs of the Town into projections and costs and that the consultant should have submitted the $100,000 add-in to give a true cost for bid.

Discussion ensued on the project timeline, if all bids were rejected.

Public Works Director Lewis believed that the new bid package could be released in the early part of December. Town Manager Stewart gave a more detailed breakdown of the days associated with the new bid package: 60 days to get the new bid package developed and released, 30 days for bid, two weeks for review of bids, and 30 days until it can be discussed by the Town Council. Town Manager Stewart also stated that a pre-qualification will be conducted before the new bids are open, so that the same issues of non-qualifiers don't arise.

Mayor Raymond encourages the lone qualified consultant to re-bid on the new package to be released.

No public comment.

MOTION: Council Member List moved to reject all bids received for the Mound House Phase II project; second by Council Member Kosinski.

VOTE: Motion approved; 5-0.

XIII. PUBLIC COMMENT

Public Comment opened.

Eddie Foster, resident, brought a request about adding a sign below all current beach access signs. The language on the board would encourage beach-goers not to discard cigarettes on the beach.

Public Comment closed.

XIV. TOWN MANAGER'S ITEMS

Town Manager Stewart stated there was no change to the Mound House report as presented last time.

Town Manager Stewart also reminded everyone about the Whitefly infestation presentation to take place on November 7th.

XVI. TOWN ATTORNEY'S ITEMS

Town Attorney Miller – mentioned a question raised by Michelle Mayher, Town Clerk, in regards to the canvassing board for the upcoming elections—there is no language in the Town's charter. Ms. Miller stated the Town needs an ordinance to state who is on the canvassing board.

XVII. COUNCILMEMBER ITEMS AND REPORTS

Mayor Raymond – none.

Council Member Kosinski – wondered if at a future Work Session whether Cathie Lewis, Public Works Director, could give an update on public utilities and North Estero.

Council Member List – mentioned that "Paint the Beach" was this weekend and installation of the mural was this Saturday at 10:00 a.m. at the Crescent Beach Park.

Vice Mayor Mandel – none.

Council Member Andre – stated his thought that the requirements to be on an advisory committee should be lessened, so that more interested persons apply.

Vice Mayor Mandel – stated that Mr. Al Durrett would like to be on the Public Safety Committee. He was curious as to when the Town Council could appoint.

Discussion then ensued over the Advisory Committee vacancies and the applicants to be considered for those spots.

MOTION: Council Member List moved to appoint Al Durrett to the Public Safety Committee; second by Vice Mayor Mandel.

VOTE: Motion approved; 5-0.

MOTION: Council Member List moved to appoint Elizabeth D'Onofrio Halladay to the Community Resources Advisory Board; second by Council Member Kosinski.

VOTE: Motion approved; 5-0.

XVIII. AGENDA MANGEMENT

Town Manager Stewart suggested the November 19th Work Session be devoted to setting dates and discussing the Agenda Management.

Consensus reached to discuss Agenda Management at the November 19th Work Session.

XIX. RECAP OF ACTION ITEMS

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

Motion by Council Member Kosinski, seconded by Vice Mayor Mandel to adjourn. Meeting adjourned at 11:32 a.m.

Adopted 12-3-12 With/Without changes. Motion by Kosinski / Andre

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Vote: 5-0

Michelle D. Mayher, Town Clerk

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