



## **MINUTES**

**Monday, November 19, 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 Raymond called to order the November 19, 2012 Work Session of the Town Council 9:00 a.m. Present along with Mayor Raymond: Vice Mayor Mandel, Council Members Andre, List, and Kosinski. Also Present: Town Manager Stewart, Parks & Recreation Director Evans, Community Development Director Fluegel, and Contracts Manager Bargmann for Town Clerk Mayher.

### **II. PLEDGE OF ALLEGIANCE**

### **III. AGENDA MANAGEMENT**

Town Manager Stewart presented the Council's Agenda Management List and requested they determine assignment of meeting dates to items indicated as 'TBD' or 'On Hold'. He noted the shaded items on the list under 'Future Work Session Date' had been discussed at a prior Work Session such as but not limited to the 'Town Manager Performance Evaluation' and could be removed with Council's direction.

Mayor Raymond reported he had a request from LCSO Captain Powell to have himself and a representative from the Fire Department to be included on the Traffic Safety Committee, but not as a voting member.

Town Manager Stewart recommended the request be discussed at the Regular Meeting later today with a voice vote by Council.

Mayor Raymond requested Vice Mayor Mandel, as Liaison to the Committee, to convey the request at the Regular Meeting.

Vice Mayor Mandel acknowledged the request; and discussed a banner selected by the Committee to alert drivers about pedestrian safety.

Town Manager Stewart continued his report on Agenda Management and asked Council to review the list for topics they may want to remain or add and prioritization of items.

Discussion was held on how to prioritize Work Session Items.

Town Manager Stewart read the list of Work Session Items and discussion was held to consider whether the item should remain or be removed:

- Estero Boulevard – Remain.
- Storm Water Projects/Master Plan – Remain.
- Review Town's ILAs – determine if Legal had reviewed and commented on item - Remain.
- Parks & Recreation – Remove.
  - Policy Regarding Art in the Community – Remove.
  - Budget Discussion Regarding Funding for Arts, etc. – Remove.
- Review of Chapter 34 – partially addressed with Fee Schedule Resolution as it related to CPDs, Planned Developments, Zoning – Remove.
- Policy Regarding Ethics Commission Form 8B, Voting Conflict – Remove.
- Discussion Regarding Bridge Alternatives – Council Member Kosinski expressed his desire to present information regarding the topic to Council in February 2013; Vice Mayor Mandel noted his previous question about the topic concerned if whether the bridge at the north end was strong enough to hold three lanes of traffic, and if not, when would it be fixed; Council Member Kosinski stated he could incorporate that into his presentation – Remain.
- Review of Noise Ordinance – Remain.
- Private Use of the Right-of-Way – Town Manager Stewart recommended the item be addressed sooner than later - Remain.
- Review of Town's Advisory Committees – review operating policies of committees for commonality (i.e. quorum consistency) – Remain.
- Sign Ordinance (including developers) – address signage from the water; Some businesses still not in compliance with the new ordinance; It was the desire to get as many as possible in compliance first, then fix the glitches and enforce later- Remain.
- Post-Disaster Recovery Ordinance – Remain.
- Gazebo Square – Remain.
- Code Amendment for Long-Term Rentals – Council Member List requested a discussion regarding the code for short and long term rentals - Remain.
- Mandatory Recycling for Businesses – Remain.
- QR Codes for Town Sites – Remain.
- Mound House Project Completion – Town Manager noted the item was included on every Council Regular Meeting Agenda – Remove (#22 through and including #26)
  - Grant
  - Observation Pier
  - Parking
  - House Renovation

- Proposal on Seafarer's – Town Manager Stewart noted the County had decided not to move forward with the parking lot; Mayor Raymond recommended a Council discussion to determine what direction the Town should take on the subject property; Town Manager Stewart suggested the item be combined with #28, Economic Development, or with the matter of the Downtown Redevelopment Area (DRA); consensus to include Seafarer's, Economic Development, and the DRA as one discussion topic - Remain.
- Economic Development – combined with #27, Seafarer's and DRA.
- Derelict Properties – Town Manager Stewart noted the item was originally placed on Agenda Management due to 4545 Estero Boulevard, he gave a brief update on the subject site which included but was not limited to the demolition and removal of the derelict structure; he noted there was the potential for another derelict structure on the horizon and Community Development would be investigating the matter with the County's Unsafe Structure Team in December; he reviewed the steps involved with an 'unsafe structure determination' process; discussion was held regarding the lien process - Remain.
- Town Manager Performance Evaluation – Remove.

Town Manager Stewart asked if there were items that Council would like to see added to the list of Work Session Items and discussion was held to consider items to add,

Council Member List reported that she had been contacted by a constituent on writing a resolution to end 'corporate personhood' and she noted she had information to distribute if the Council wished to discuss and consider further – Added to Agenda Management for a Work Session. She noted her previous request to discuss short and long-term rentals which were already decided to combine into one topic; and pointed out her concern regarding the neglected appearance of some commercial properties in the Downtown and suggested that could be included in the discussion regarding the Seafarer's, Economic Development, and the DRA.

Town Manager Stewart pointed out that the International Property Maintenance Code (IPMC) was coming before Council next month and would help Council to deal with those types of issues.

Council Member Andre requested 'beach raking' come back one more time before the Council - Added to Agenda Management for a Work Session.

Council Member Kosinski discussed a right-of-way behind the Mermaid that was not used and that he was approached concerning about a vacation of the right-of-way.

Mayor Raymond stated that would not be an item for Agenda Management and the party interested in such an action needed to contact Community Development Director Fluegel.

Town Manager Stewart agreed and described the process for a right-of-way vacation request which would ultimately lead up to a Public Hearing before Council.

Council Member Mandel reviewed his items of concern for possible placement on Agenda Management:

- Water Utility Rate Study, bonding, and an implementation plan – Add to list with a TBD date (date to be decided once the Rate Study, currently in progress, was completed).
- Seafarer’s – earlier in the meeting added to Economic Development and the DRA.
- Coastal Engineering Study, Phase I Report, Possible Phase II, and the relation to beach re-nourishment – Town Manager Stewart noted this was an on-going project and as soon as completed, staff would bring it before Council. Vice Mayor Mandel requested the item be placed on Agenda Management so they did not lose sight of the issue.
- Town Hall – Town Manager Stewart reported staff was about to begin discussions to renew the lease; noted that at some point Council may want to consider eminent domain as a tool. - Added to Agenda Management for a Work Session.
- Extension of the North Estero Vegetation Plan - for the rest of the Island which would be dealt with beach nourishment; Town Manager Stewart noted the DEP would be involved in this matter; Council Member Andre suggested ‘beach raking’ could be included. Council Member List suggested renaming the issue to ‘Beach Management’. Beach Management with subheadings of Coastal Engineering, Vegetation Plan, and Beach Raking - Added to Agenda Management for a Work Session.
- Bay Oaks Corporate Memberships and Resident Memberships - Added to Agenda Management for a Work Session.

Council Member Andre requested the mooring fields and upcoming negotiations; Town Manager Stewart explained that staff would request direction on the matter; however, cautioned not to negotiate the contract at a work session before staff met with the service provider - Added to Agenda Management for a Work Session.

Town Manager Stewart requested to add Personnel, Rules and Regulations; and a discussion on having a person to handle Public Information to the Agenda Management List – Both Items Added to Agenda Management for a Work Session.

Discussion ensued regarding the prioritization for the Agenda Management List items; and consent was reached for prioritization of the top seven issues as follows:

- 1) Economic Development, Seafarer’s
- 2) Beach Management
- 3) Town Hall
- 4) Water Utilities
- 5) Private Use of the Right-of-Way
- 6) Review of Noise Ordinance
- 7) Code Amendment for Short and Long-Term Rentals

Recess at 10:30 a.m. – Reconvened at 10:45 a.m.

Town Manager Stewart noted there was an item concerning fees on the Regular Meeting Agenda later this evening, and that there was an item staff wanted to add to that discussion.

Community Development Director Fluegel reported they would like to add Contractor Registration (\$50) and Street Performer Registration (\$100 – which included the cost for background check) to the Fee Schedule.

Discussion ensued regarding the fees that would be reduced in the Fee Schedule; potential cost savings to the applicants; and the economic analysis conducted of the proposed fee reduction.

#### **IV. BAY OAKS REPORT BY PARKS & RECREATION DIRECTOR, PATTI EVANS**

Town Manager Stewart explained that Council had requested staff present an overview of the activities, participation, and special projects underway at the Bay Oaks Recreational Campus. He noted that Parks & Recreation Director Evans had prepared examples of reports with the desired information for Council's review and direction.

Parks & Recreation Director Evans reviewed the three examples of monthly reports – one that listed active programs and daily attendance; one that listed activities, type of instructors, and completion dates; and one that was a year-end type of report which she distributed today. She requested Council to review the three documents and to provide her with direction on the type of information desired; and then staff would formulate a report based upon this input. She added that whichever format Council selected that she was prepared to update the report and submit it tonight for the month of October.

Discussion was held concerning the three reports submitted for review; the types of information to include (i.e. fixed and variable factors, revenue versus cost) in the report; corporate memberships and residential memberships; inclusion of pool information in the report (i.e. use, operating costs, revenues); programs and attendance; the number of members paying a membership fee, and total revenue of programs/activities at Bay Oaks from members; and seeking a subsidy from the County for off-Islanders using the facility.

Parks & Recreation Director Evans stated she would prepare an updated form to report October 2012 which would include the number of teams, participants, pool information, verbiage/explanation for a program or activity when necessary, enlarged font, Bay Oaks membership numbers, revenues for members and non-members, and activity/program costs and revenues for the Council.

Council Member Mandel noted concerns relayed to him regarding informing volunteers of Mound House issues.

Discussion was held concerning the scratches to the mural at the Mound House and the corrective action taken by staff; and the possible assignment of a full-time staff person to the Mound House on a full-time basis.

Town Manager Stewart requested permission to craft a proposal for Council to consider that would include the cost of staff to be assigned on a full-time basis at the Mound House.

Discussion ensued regarding staff oversight of the Mound House grounds and building; and general agreement was for the Town Manager's suggestion to prepare a proposal for Council's consideration as requested.

Discussion was held concerning the sequence of communication/information between Mound House volunteers, Volunteer Coordinator, staff, and Council. Council agreed that volunteers need to follow the proper procedures of communication (contacting Brent Newman first, then Parks & Recreation Director Evans, etc.) before emailing members of the Town Council.

#### V. ADJOURNMENT

Meeting adjourned at 11:50 a.m.

Adopted 12-17-12 With/~~Without~~ changes. Motion by Kasinski/List

Vote: 5-0

  
Michelle D. Mayher, Town Clerk

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